

PH

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

RECEIVED

SAMUEL WHITE

NOV 24 2015 EAA
11-24-15
THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

(Enter above the full name
of the plaintiff or plaintiffs in
this action)

15cv10622
Judge Rebecca R. Pallmeyer
Magistrate Judge Maria Valdez
PC1

vs.

(To be supplied by the _____)

(#1) MCDEVITT B #13197

(#2) T.P. CAREY #18795

(#3) EJ MAY #16474

(#4) E.L. FLAGG 12037

(#5) D. OTERO #10058

(#6) E. LOPEZ #6711

(#7) K.A. RICHARDT #19385

(#8) JENNIFER HAMELLY

(#9) LAUREN BROWN

(#10) MARK ANDERSON

(#11) MICHAEL PATTAROZZI

(#12) SGT. MARK LAMBERG STAR # 1847

(Enter above the full name of ALL
defendants in this action. Do not
use "et al.")

CHECK ONE ONLY:

☒ **COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983**
U.S. Code (state, county, or municipal defendants)

☐ **COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE**
28 SECTION 1331 U.S. Code (federal defendants)

☐ **OTHER (cite statute, if known)**

BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.

ORIGINAL Complaint

13 copies

I. Plaintiff(s):

- A. Name: SAMUEL WHITE
- B. List all aliases: _____
- C. Prisoner identification number: KSS010
- D. Place of present confinement: PINCKNEYVILLE
- E. Address: P.O. BOX 999 PINCKNEYVILLE, IL 62274

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, place of confinement, and current address according to the above format on a separate sheet of paper.)

II. Defendant(s):

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

- A. Defendant: BRIAN MCDEVITT ^{STAR} #13197
 Title: CHICAGO police officer
 Place of Employment: CHICAGO police DEPARTMENT
- B. Defendant: T.P. CAREY ^{STAR} #18795
 Title: CHICAGO police officer
 Place of Employment: CHICAGO police DEPARTMENT
- C. Defendant: E.J. MAY ^{STAR} #16474
 Title: CHICAGO police officer
 Place of Employment: CHICAGO police DEPARTMENT

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

ADDITIONAL DEFENDANTS

D. Defendant: E.L. FLAGG #^{STAR} 12037

Title: CHICAGO POLICE OFFICER

Place of Employment: CHICAGO POLICE DEPARTMENT

E. Defendant: D. OTERO #^{STAR} 10058

Title: CHICAGO POLICE OFFICER

Place of Employment: CHICAGO POLICE DEPARTMENT

F. Defendant: E. LOPEZ #^{STAR} 6711

Title: CHICAGO POLICE OFFICER

Place of Employment: CHICAGO POLICE DEPARTMENT

G. Defendant: K.A. RICHARDT #^{STAR} 19385

Title: CHICAGO POLICE OFFICER

Place of Employment: CHICAGO POLICE DEPARTMENT

H. Defendant: JENNIFER HAMEL

Title: ASSISTANT STATE'S ATTORNEY

Place of Employment: COOK COUNTY STATE'S ATTORNEY OFFICE

I. Defendant: LAUREN BROWN

Title: ASSISTANT STATE'S ATTORNEY

Place of Employment: COOK COUNTY STATE'S ATTORNEY OFFICE

J. Defendant: MARK ANDERSON

Title: ASSISTANT STATE'S ATTORNEY

Place of Employment: COOK COUNTY STATE'S ATTORNEY OFFICE

K. Defendant: MICHAEL PATTAROZZI

Title: ASSISTANT STATE'S ATTORNEY

Place of Employment: COOK COUNTY STATE'S ATTORNEY OFFICE

L. Defendant: MARK LAMBERG

Title: CHICAGO POLICE SGT.

Place of Employment: CHICAGO ~~POLICE~~ POLICE DEPARTMENT

II PREVIOUS LAWSUITS

- | | | | |
|----|-------------------------|-----------------------------|-----------|
| 1 | WHITE - V - BRILEY | Filed
20 1999 | SETTLED |
| 2 | WHITE - V - WINTER | Filed
2003 | Dismissed |
| 3) | WHITE - V - CLARK/CURRY | 2003 | Dismissed |

Petitioner CANT REALLYLY RECALL OFF HAND
WHICH AN WHAT DATE CORRECTLY THESE
COMPLAINT BEEN FILED AN ENDED DUE
TO PLAINTIFF WERE DISCHARGE FROM
CUSTODY IN 2006 AN LOST ALL THE
DOCUMENTS

Samuel Zuhet

IV. Statement of Claim:

State here as briefly as possible the facts of your case. Describe how each defendant is involved, including names, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

ON MARCH 21, 2012 plaintiff SAMUEL WHITE, WAS SITTING IN HIS COURTYARD AT 6527 S. CALIFORNIA CHICAGO, ILLINOIS LISTEN TO MUSIC ON HIS I.pod AROUND 10:30 p.m WHEN A ~~DEW~~ DETECTIVE CAR pulled directly in front of His building an gotten out of there ~~was~~ CAR. DET. McDEVITT Reached his hand over THE GATE AN let Himself IN to plaintiff courtyard along with his PARTNERS DET. MAY, DET. CAREY Which They the DEFENDANTS order plaintiff to stand up to place Him in Restraints to perform A custodial ~~for~~ SEARCH which REVEALED plaintiff HAD NOTHING ILLEGAL IN OR ON his POSSESSION. AT THAT TIME plaintiff ASKED DEFENDANT #1 McDEVITT, #2 CAREY, #3 MAY, Why ARE THEY IN MY COURTYARD WITHOUT A SEARCH WARRANT OR AN ARREST WARRANT FOR Plaintiff, THEN THERE RADIO REPORTED SHOT FIRED AT 6535 S. CALIFORNIA AVE CHICAGO, ILLINOIS AN THAT SUSPECT IS ON THE BACK porch with the gun IN HAND. plaintiff THEN ASK THE SAID THREE DEFENDANTS #1 McDEVITT #2 CAREY #3 MAY TO REMOVE THE RESTRAINTS

FROM HIS WRIST, THAT THE DEFENDANTS #1, #2, #3 WAS SUSPOSED TO BEEN AT 6535 S. CALIFORNIA AVE NOT 6527 S. CALIFORNIA AVE Chicago, ILLINOIS Plaintiff WAS TOLD BY DEFENDANTS #1, #2 #3 TO SHUT ~~DOWN~~ HIS MOUTH THAT HE IS GOING TO JAIL FOR BEING A SMART ASS FOR TELL THE POLICE WHAT THEY CAN AND CANNOT DO. Plaintiff WAS THEN TAKEN TO THE POLICE STATION WHERE Plaintiff LEARNED THAT DEFENDANT #1 McDEVITT HAD CHARGED HIM WITH ① UNLAW BY FELON, ② POSSESSION OF CONTROLLED SUBSTANCE ③ POSSESSION OF CONTROLLED SUBSTANCE THAT WAS NOT RECOVERED FROM Plaintiff CUSTODIAL SEARCH AT 6527 S. CALIFORNIA AVE Chicago ILLINOIS BY NEITHER OF THE DEFENDANTS #1, #2, #3, #4 #5, #6, #7.

① Plaintiff WAS CHARGED BY COMPLAINT BY DEFENDANT #1 McDEVITT UNDER CASE #12111051601

(EXHIBIT A)

② ON MAY 1, 2012 AT BRANCH 48 RMA CHARGES WAS NOLE PROSEQUI UNDER CASE #12111051601 DUE TO DEFENDANTS #1 #2 #3 #4 #5 #6 #7 FAILED TO APPEAR AND TESTIFY FOR THE PROSECUTOR IN PRELIMINARY.

(EXHIBIT D, E, F G) (EXHIBIT L PG 641)

ADDITIONAL STATEMENT OF CLAIMS

- #3 DEFENDANTS #2 CAREY, #3 MAY #4 FLAGG #5 OTERO #6 LOPEZ #7 RICHARDT, FAILED TO ALERT THEIR SUPERVISOR THAT THE PLAINTIFF HAD BEEN UNLAWFULLY DETAINED BY DEFENDANT #1 MCDEVITT.
- #4 DEFENDANT #8 HAMELLEY APPEARED BEFORE THE GRAND JURY ON MAY 15, 2012, HAD PLAINTIFF INDICTED AFTER THE LEAD CHARGES UNDER CASE #12111051601 WAS NOLE PROSEQUI MAY 1, 2012 AT BR. 48 RM 2 (EXHIBIT D, E, F, G, I, H)
- #5 PLAINTIFF WAS INDICTED UNDER CASE #12CR0945901 FOR ARMED HABITUAL BY AN COOK COUNTY GRAND JURY AFTER THE CONTROLLING CHARGES ① UNLAW BY FELON, ② POSSESSION OF CONTROLLED SUBSTANCE ③ POSSESSION OF CONTROLLED SUBSTANCE. UNDER COMPLAINING CASE #12111051601 WAS NOLE PROSEQUI ON MAY 1, 2012 AT BR. 48 RM. 2 (EXHIBIT I, D, E, F, G)
- #6 DEFENDANT #9 BROWN HAD PLAINTIFF ARRAIGNED ON THE INDICTMENT FOR ARMED HABITUAL UNDER CASE #12CR0945901 ON JUNE 5, 2012. AN DEFENDANT HAD KNOWLEDGE THAT THE COMPLAINING LEAD - CHARGES UNDER CASE #12111051601 WAS NOLE PROSEQUI (EXHIBIT I, D, E, F, G)
- #7 DEFENDANTS #10 ANDERSON, #11 PATTAROZZI BOTH WAS AWARE THAT THE LEADING CHARGES WAS NOLE PROSEQUI ON MAY 1, 2012. AN INSISTED TO TAKE PLAINTIFF TO TRIAL ON NOV. 19, 2012. AN ALLOWED PLAINTIFF TO BE WRONGFULLY CONVICTED ON ILLEGAL CHARGES. (EXHIBIT D, E, F, G)
- #8 DEFENDANTS #10 ANDERSON, #11 PATTAROZZI WAS AWARE THAT THE EVIDENCE USED TO CONVICT PLAINTIFF HAD BEEN CHARGED TO A PERSON BY THE NAME OF VALADEZ, THAT THE CHARGES WAS NOT APPROVED FOR VALADEZ ACCORDING THE POLICE REPORTS (EXHIBIT A pg 2) (EXHIBIT L pg G23, 35, 36, 37, 49)
- #9 DEFENDANT #4 FLAGG TESTIFIED ON DEC. 18, 2012²⁰¹² AT PLAINTIFF TRIAL THAT NEITHER DEFENDANTS #1, #2, #3, #4, #5, #6, #7 EVER RECOVER AN GUN OR DRUGS ON MARCH 21, 2012, DEFENDANT #4

FLAGG NEVER REPORTED TO HIS SUPERVISOR ABOUT THE plaintiff being unlawful Detained by Defendant #1 ~~McDevitt~~ McDEVITT (EXHIBIT M pg 7-8)

#10 DEFENDANT(S) #8 HAMEILY, #9 BROWN #10 ANDERSON #11 PATTAROTZ WAS AWARE THAT NONE OF THE EVIDENCE EVEN EXISTED. (EXHIBIT K, J, A pg 2, B)

#11 DEFENDANT #12 LAMBERG DESTROYED plaintiff complaint that WAS FORWARDED TO HIM VIA MAIL ^{FROM} ~~THE~~ PINCKNEYVILLE C.C. AGAINST DEFENDANTS #1, #2, #3, #4, #5, #6, #7. DEFENDANT LAMBERG CLAIMED TO HAVE CLOSED plaintiff complaint OUT STATING HE NEVER RECEIVED THE COMPLAINT. (EXHIBIT #1)

V. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

(1) Each individual COMPENSATE plaintiff \$1,000.00 per day INCARCERATED (2) EACH INDIVIDUAL COMPENSATE ~~1,000,000~~ ~~PER~~ 1 MILLION DOLLAR PER DEFENDANT FOR UNLAWFUL DETENTION (3) 1 MILLION DOLLAR PER DEFENDANT FOR WRONGFUL CONVICTION

VI. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

CERTIFICATION

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this 18TH day of NOV, 20 15

Samuel Bechit

(Signature of plaintiff or plaintiffs)

SAMUEL WHITE

(Print name)

KSS010

(I.D. Number)

P.O. BOX 999

PINCKNEYVILLE, ILLINOIS 62274

(Address)

- E. Is the grievance procedure now completed? YES () NO (☒)
- F. If there is no grievance procedure in the institution, did you complain to authorities? YES () NO (☒)
- G. If your answer is YES:

1. What steps did you take?

Complaint is Against
Chicago police, Cook County STATE'S ATTORNEY

2. What was the result?

- H. If your answer is NO, explain why not:

Complaint is Against
Chicago police, Cook County STATE'S ATTORNEY

SWORN AFFIDAVIT FOR COMPLAINT LOG INVESTIGATION

CHICAGO POLICE DEPARTMENT

STATE OF ILLINOIS

COUNTY OF COOK

CC

Location of Incident

6527 S. California Chicago, IL

Date

21 Mar 2012

Time

2235

Summary of Statement(s):

I WAS SITTING IN MY COURTYARD LISTEN TO MY I-POD WHILE I WAS TALKING TO A GENTLEMAN, AT THAT TIME I NOTICED OFFICER MCDEVITT, OFFICER E. J. MAY AND T. CAREY, E. FLAGG pulled up in front of the Building AND EXIT THEIR CAR AND FORCED OPEN THE GATE, ORDER ME TO STAND UP TO BE SEARCHED ALONG WITH THE SAID SECOND SUSPECT. I ASKED WHY WERE I BEING SEARCHED, I EXPLAINED TO THOSE OFFICERS THAT I HAD COMMITTED NO CRIME, THAT I HAD NOTHING ILLEGAL ON ME. THEN I WAS TOLD BY OFFICER MCDEVITT TO SHUT THE FUCK UP THAT I WAS GOING TO TALK FOR BEING A SMART ASS. I ONLY TOLD THOSE OFFICERS THAT THEY RADIOED JUST STATED THAT SHOT FIRED AT

I, SAMUEL WHITE hereby state as follows:

1. I have read the above summary and/or attached statement(s) in its entirety, reviewed it for accuracy and been given an opportunity to make corrections and additions to the statement(s).
2. Under penalties as provided by law pursuant to 735 ILCS 5/1-109, I certify that the information set forth in the statement(s) above and/or attached summary are true and correct, except as to any matters therein stated to be on information and belief as to such matters, I certify as aforesaid that I verily believe the same to be true.

SAMUEL WHITE

Print Affiant's Name

Samuel White

Affiant's Signature

Tarrod Selley

Print Witness' Name

T Selley

Witness' Signature

Date

3-25-15

Date

3-25-15

NOTARY

OFFICIAL SEAL
LINDA FRITTS
NOTARY PUBLIC STATE OF ILLINOIS
MY COMMISSION EXPIRES 08/22/13

CPD-44.126 (Rev. 7/09) English

Attachment No. 94

Complaint Log No. 1073638

Ex#1

6535 S. CALIFORNIA AVE AN THE SUSPECT IS A BLACK
MALE WITH DREADS AN WHITE T-SHIRT ON STILL ON
THE PORCH WITH THE GUN IN HAND PER THE 911
CALLER

I WAS THEN TAKEN TO THE POLICE
STATION WHERE I LEARNED THAT ONE WAS BEING
CHARGED WITH DRUGS AND GUN BY OFFICER MCDEVITT,
OFFICER E.J. MAY, T. CAREY, K. RICHARDT, E. FLAGG,
OTERO, LOPEZ HAD ALL TOLD ME THEY TRIED TO
TALK OFFICER MCDEVITT NOT TO PLANT THE DRUGS
AND GUN ON ME BECAUSE HE DID NOT FIND THAT ON
ME, THAT THEY CANT VOUCH FOR THE DRUGS AND
THE GUN, THESE OFFICERS STATED THAT I HAD PISSED
OFFICER MCDEVITT OFF, NEITHER OF THESE SAID —
OFFICER ALERT THEY SUPERVISOR THAT OFFICER MCDEVITT
FILED A FALSE COMPLAINT AGAINST ME BY PLANTING
CHARGES ON ME FOR DRUGS AN GUN, BY THESE SAID
OFFICERS HAD KNOWLEDGE THEY NEVER RECOVERED
ANY DRUGS NOR A GUN DURING MY ARREST (SEE EXHIBIT B)

- 1) OFFICER MCDEVITT ~~WAS~~ FALSIFIED IN HIS ARREST REPORT
THAT HE WAS RESPONDING TO SHOT FIRED AT 6527 S.
CALIFORNIA (SEE EXHIBIT A)
- 2) OFFICER MCDEVITT USED SOMEONE'S EYES ARREST

REPORT AND PLACED MY NAME IN THE REPORT, WHICH CLEARLY STATED THAT THE CHARGE FOR VALADEZ UNW WERE NOT APPROVED DUE TO LACK OF EVIDENCE AND DRUGS (SEE EXHIBIT A PG 2)

3) OFFICER MCDEVITT FILED TWO DIFFERENT CASE REPORTS. THE FIRST ONE HAD NO RECOVERY NUMBERS FOR ANYTHING ILLEGAL (SEE EXHIBIT B)

4) OFFICER MCDEVITT FILED HIS SECOND CASE REPORT ALLEGING HE RECOVERED DRUGS AND GUN UNDER INVENTORY NUMBER 12568468 - 12568488 WHICH WERE CHARGED TO A PERSON IN (EXHIBIT A) OF VALADEZ. BUT THE CHARGED INVENTORY NUMBERS WERE PLACED UNDER MY NAME (SEE EXHIBIT C)

5) OFFICER MCDEVITT ADMITTED THAT HE WAS DISPATCHED TO 6535 S. CALIFORNIA OF SHOTS FIRED IN (EXHIBIT C) BUT LIED IN (EXHIBIT A) THAT HE WERE RESPONDING TO SHOT FIRED AT 6527 S. CALIFORNIA

6) OFFICER MCDEVITT, E.J. MAY, T. CAREY, K. RICHARDT, E. FLAGG, UTERO, LOPEZ. NEVER APPEARED TO TESTIFY FOR THE PROSECUTOR ON MAY 1, 2012 AT BARRON (48) THE CHARGES WERE DROPPED UNDER CASE # 12-10511 (SEE EXHIBIT D, E, F, G)

- 7) OFFICER MCDEVITT WENT BEFORE THE Grand Jury AND COMMITTED PERJURY ON MAY 15, 2012 STATING HE CAUGHT ME WITH DRUGS AND A GUN (SEE EXHIBIT) H, I, J, K
- 8) DURING MY TRIAL NOV. 19, 2012 OFFICER MCDEVITT TESTIFIED HE WERE RESPONDING TO SHOTS FIRED AT 6535 S. CALIFORNIA AND HE DID NOT TAKE DOWN THE SECOND SUSPECT NAME NOR DID HE KNOW THE SECOND SUSPECT, TO SAY THAT THIS VALADEZ PERSON IN (EXHIBIT A) IS NOT THE SECOND SUSPECT. (SEE EXHIBIT L 69 THROUGH 750)
- 9) OFFICERS' E. J. MAY, T. CAREY, K. RICHARDT, OTERO, LOPEZ DID NOT TESTIFY AT MY TRIAL ON THE DATE OF NOV 19, 2012. TO CONFIRM MCDEVITT CLAIMS OF FINDING DRUGS AND A GUN.
- 10) OFFICER E. FIAGLI TESTIFIED AT MY TRIAL ON ~~THE~~ DEC 19, 2012 STATING THAT HE DID NOT SEE A GUN THAT NIGHT OF MARCH 21, 2012 NOR WAS A GUN OR ANYTHING RECOVERED THAT NIGHT AND NOR DID ANY OF THE OFFICERS GO INTO THE HALLWAY (SEE EXHIBIT M) OFFICER FIAGLI ALLOWED ME TO BE UNLAWFUL CHARGED WITH A PLANT CASE ILLEGAL OBTAINED EVIDENCE, DID NOT REPORT THIS TO HIS SUPERVISOR

11) THE ILLINOIS STATE POLICE RESPONDED THAT OFFICER MCDEVITT NOR THE CHICAGO POLICE DEPARTMENT TURN OVER A GUN TO THEM. (SEE EXHIBIT J, K)

12) NEITHER OF THE MENTIONED OFFICER ATTEMPT STOP ME FROM BEING CHARGED WITH AN UNLAWFUL CHARGE AND WRONGFULLY CONVICTED

Samuel Zuhit

3X WITNESS

(1) BARBARA TAYLOR

(2) FAIRY STENNIS

(3) DIANE WAITON

CHICAGO POLICE DEPARTMENT
ARREST REPORT3510 S. Michigan Avenue, Chicago, Illinois 60653
(For use by Chicago Police Department Personnel Only)
CPD-11.420C (REV. 6/30)

FINAL APPROVAL

CB #: 18368311

IR #: 1081608

YD #:

RD #: HV208784

EVENT #: 1208120428

Name: WHITE, Samuel R

a.k.a Riley

Res: 6527 S California Ave, #1
Chicago, IL 60629

Beat: 831

DOB: 11 October 1977

AGE: 34 years

POB: Illinois

ARMED WITH Handgun

ARREST REPORTING

Male

Black

5' 11"

190 lbs

Brown Eyes

Black Hair

Bald Hair Style

Medium Brown

Complexion

MAR 22 2012

Marks: Tattoo Bd on Upper Left Arm



12110516

Arrest Date: 21 March 2012 22:35

Location: 6527 S California Ave
Chicago, IL 60629

TRR Completed? No

Beat: 831

Total No Arrested: 1

Co-Arrests

Assoc Cases

DCFS Ward ? No

Holding Facility: District 008 Lockup

Resisted Arrest? No

Dependent Children? No

Offense As Cited 720 ILCS 5.0/24-1.1-A

Victim

State Of Illinois,
P.O.Mcdevitt#13197UW - WEAPON - FELON, POSSESS/USE FIREARM
Class 3 - Type F

Offense As Cited 720 ILCS 570.0/402-C

State Of Illinois,
P.O.Mcdevitt#13197PCS - POSSESSION - POSS AMT CON SUB EXCEPT (A)(D)
Class 4 - Type F

Offense As Cited 720 ILCS 550.0/4-C

State Of Illinois,
P.O.Mcdevitt#13197CANNABIS - POSSESS 10-30 GRMS
Class A - Type M

Felony Review : Approved 22 MAR 2012 00:12

Keough,

State's Attorneys's Office

RECOVERED
NARCOTICS

Type	Approx. Weight/Quantity	Units	Estimated Street Value
Suspect Controlled Substance	6	HITS/PILLS	\$50.00

Print Generated By: WALANO, Michael (PC0U994)

Page 1 of 5

powered by: CLEAR Technology

22 MAR 2012 03:05

40510

Chicago Police Department - ARREST Report

CB #: 18368311

WHITE, Samuel

ARREST REPORTING

WARRANT

NO WARRANT IDENTIFIED

NON-OFFENDER(S)

VICTIM AND COMPLAINANT

Name: STATE OF ILLINOIS, P.O.Mcdevitt#13197

DOB:

Age:

Comments:

Injured? No

Deceased? No

Hospitalized? No

Treated and Released No

ARRESTEE VEHICLE

NO ARRESTEE VEHICLE INFORMATION ENTERED

PROPERTIES

Confiscated Properties :

All confiscated properties are recorded in the e-Track System. This system can be queried by the inventory number to retrieve all official court documents related to evidence and/or recovered properties.

PROPERTIES INFORMATION FOR WHITE, Samuel, NOT AVAILABLE IN THE AUTOMATED ARREST SYSTEM.

INCIDENT NARRATIVE

(The facts for probable cause to arrest AND to substantiate the charges include, but are not limited to, the following)

EVENT: 20428 ADDRESS OF ARREST: 6527 S. CALIFORNIA

*****HISTORY OF ARREST*****

IN SUMMARY, R/O'S RESPONDED TO A CALL OF "SHOTS FIRED" AT THE ABOVE LOCATION. R/O'S OBSERVED THE ABOVE OFFENDER STANDING IN COURT YARD OF APARTMENT COMPLEX. R/O'S EXITED VEHICLE AND APPROACHED TO CONDUCT A FIELD INTERVIEW. AS R/O'S NEARED ABOVE OFFENDER, OFFENDER LOOKED IN R/O'S DIRECTION REACHED INTO HIS WAIST BAND REMOVED A SMALL REVOLVER AND WALKED TO COMMON HALLWAY DOOR. ABOVE OFFENDER OPENED DOOR AND TOSSED THE GUN INTO THE HALLWAY. THE ABOVE WAS DETAINED. R/O RECOVERED THE SAID HANDGUN IN HALLWAY AND FOUND IT TO BE A H&R YOUNG AMERICAN .22CAL REVOLVER LOADED WITH 7 LIVE ROUNDS. ABOVE OFFENDER PLACED INTO CUSTODY. READ RIGHTS PER MIRANDA. A CUSTODIAL SEARCH REVEALED ONE PLASTIC BAG THAT CONTAINED (12) KNOTTED BAGS EACH WITH GREEN LEAFY SUBSTANCE SUSPECT CANNABIS AND ONE PLASTIC BAG WITH 6 MULTI-COLORED PILLS SUSPECT ECSTASY. NAME CHECK CLEAR OF WARRANTS AND ALERTS. ABOVE NOT ON G.I.I.P. ABOVE OFFENDER WAS CONVICTED FELON UNDER 94CR1414003 FOR MURDER. GUN DESK CAN NOT RUN GUN DUE TO NO SERIAL NUMBER ON HANDGUN CHARGES APPROVED PER ASA KEOUGH AT 0012HOURS. CHARGES NOT APPROVED FOR VALADEZ UUW DUE TO LACK OF EVIDENCE. INV#12568468-HANDGUN/AMMO INV#12568488-DRUGS

Chicago Police Department - ARREST Report

CB #: 18368311

WHITE, Samuel

ARREST REPORTING

Desired Court Date: 19 April 2012
 Branch: 48-4 155 W 51ST ST - Room
 Court Sgt Handle? No
 Initial Court Date: 22 March 2012
 Branch: CBC-1 2600 S CALIFORNIA - Room
 Docket #:

BOND INFORMATION NOT AVAILABLE

ATTESTING OFFICER:

I hereby declare and affirm, under penalty of perjury, that the facts stated herein are accurate to the best of my knowledge, information and/or belief.

Attesting Officer:

#18795 CAREY, T P (PC0I311)

22 MAR 2012 00:37

ARRESTING OFFICER(S):

1st Arresting Officer:

#13197 MCDEVITT, B P (PC0Y241)

Beat

2nd Arresting Officer:

#18795 CAREY, T P (PC0I311)

0806D

APPROVING SUPERVISOR:

0806D

Approval of Probable Cause : #715

KOCH, G J (PC0P560)

22 MAR 2012 00:38

CB #: 18368311

WHITE, Samuel

ARREST PROCESSING REPORT

Holding Facility: District 008 Lockup

Received in Lockup: 22 March 2012 00:43

Prints Taken: 22 March 2012 01:01

Palmprints Taken: Yes

Photograph Taken: 22 March 2012 01:00

Released from Lockup:

Time Last Fed: 22 March 2012 00:43

Time Called:

Cell #: 7

Phone#:

Transport Details : 2PO 0832 21-MAR-2012 22:45

VISUAL CHECK OF ARRESTEE

Is there obvious pain or injury?

No

Is there obvious signs of infection?

No

Under the influence of alcohol/drugs?

No

Signs of alcohol/drug withdrawal?

No

Appears to be despondent?

No

Appears to be irrational?

No

Carrying medication?

No

ARRESTEE QUESTIONNAIRE

Presently taking medication?

No

(if female)are you pregnant?

No

First time ever been arrested?

No

Attempted suicide/serious harm?

No

Serious medical or mental problems?

No

Are you receiving treatment?

No

RETURN TO HOLDING FACILITY COMMENTS

QUESTIONNAIRE REMARKS

LOCKUP/KEEPER COMMENTS

EMERGENCY CONTACT

Name : REFUSED

Res:

Beat:

NO INTERVIEWS LOGGED

NO VISITORS LOGGED

Chicago Police Department - ARREST Report

CB #: 18368311

WHITE, Samuel

ARREST PROCESSING REPORT

MOVEMENT LOG INFORMATION NOT AVAILABLE

Watch Commander Comments:

DOES NOT APPLY TO THIS ARREST

ARRESTEE PROCESSING PERSONNEL

		Beat
Searched By:	MARTIN, R (PC0W029)	
Lockup Keeper:	#18674 JOY, D A (PC0J565)	
Assisting Arresting Officer:	#10058 OTERO, D (PC0X400)	
Assisting Arresting Officer:	#12037 FLAGG, E L (PC0X830)	0832
Assisting Arresting Officer:	#16474 MAY, E J (PC0E005)	0865C
Assisting Arresting Officer:	#19385 RICHARDT, K A (PC0X942)	0806D
Assisting Arresting Officer:	#6711 LOPEZ, E (PC0AD82)	0865C
Fingerprinted By:	MARTIN, R (PC0W029)	0832

APPROVAL PERSONNEL

Final Approval of Charges :	#715	KOCH, G J(PC0P560)	22 MAR 2012 03:03	Beat

CHICAGO POLICE DEPARTMENT INV NO 12568488 PKG NO. 2940789 UNIT 008
DATE RECOVERED 21-MAR-2012
INVENTORY NO. 12568488

RE-INVENTORY OF: RD HV208784
DESCRIPTION OF PROPERTY

ITEM ID	QUANTITY	DESCRIPTION OF PROPERTY
5474068 1	1	NARCOTIC / DRUG : CLEAR PLASTIC BAGGIE
5474069 12	12	NARCOTIC / DRUG : KNOTTED BAGS CONTAINING GREEN LEAF-LIKE SUBSTANCE SUSPECT CANNABIS
5474070 1	1	NARCOTIC / DRUG : CLEAR BAG CONTAINING 6 MULTICOLORED PILLS SUSPECT ECSTASY

COMMENTS:
MY SIGNATURE HEREON ACKNOWLEDGES RECEIVING ALL PROPERTY DESCRIBED IN THIS INVENTORY
RECIPIENT'S SIGNATURE X
ADDRESS - STREET
CITY STATE ZIP
DATE RECEIVED

\$ DEPOSITED AMT \$ INVENTORY AMT

EVIDENCE & RECOVERED PROPERTY SECTION USE ONLY
Court Date 19-APR-2012
Court Branch 48-4
CURRENCY:

ILUCR: 143A WEAPONS VIOLATION UNLAWFUL POSS OF HANDGUN
STATE CHARGES: 720 ILCS 5.0/24-1.1-A
RECOVERED/SEIZED FROM - NAME WHITE, SAMUEL
DECEASED ARRESTED
OWNER'S NAME WHITE, SAMUEL
ADDRESS 6527 S CALIFORNIA AVE CHICAGO, IL 60629
TELEPHONE NO. 831
CHARGE TYPE: FELONY
INCHOATE: OFFENSE AS CITED
BEAT OF RECOVERY 831
COURT ORDER - DISPOSAL INSTRUCTIONS

FOUND BY - NAME MCDEVITT, BRIAN Star: 13197
C.P.D. CHECK IF: ADDRESS 6527 S CALIFORNIA AVE CHICAGO, IL 60629
TELEPHONE NO. 831
JUDGE CT. BR.

HOLD FOR INVESTIGATION INVESTIGATING OFFICER - STAR NO. UNIT
AND/OR EVIDENCE (IF NOT NEEDED FOR INVESTIGATION EVIDENCE, LEAVE BLANK) 13197 008
1st OFFICER'S NAME MCDEVITT, BRIAN
STAR NO. 13197
OFFICER'S SIGNATURE - STAR UNIT X
E. & R.P.S. USE ONLY

PROPERTY AVAILABLE FOR RETURN TO OWNER
SIGNATURE Electronic Approval
UNIT 008
STAR NO. 13197

TO BE DISPOSED OF BY CUSTODIAN (NOT TO BE RETURNED)
(THIS APPLIES IF PROPERTY IS NOT EVIDENCE, NOT RETURNABLE AND/OR OWNER IS UNKNOWN)
INITIAL DESTINATION OF PROPERTY:
FORENSIC SERVICES SECTION
2nd OFFICER'S NAME CAREY, THOMAS
STAR NO. 18795
UNIT 008
STAR NO. 13082
DATE 22-MAR-2012
TIME 00:25

VIA ☒ POLICE MAIL ☐ RECOVERING UNIT PERSONNEL ☐ APPROVING DESK SERGEANT
☐ E & R.P.S. PICKUP ☐ EVID/LAB TECHNICIAN WALANO, MICHAEL
STAR NO. 13082
DATE 22-MAR-2012
TIME 00:25
Created by: PC0Y241
COPY 1 - KEEP WITH PROPERTY
KSS N10
40FL6
Printed by: IL016SABFN 04-JUN-2012 15:01

INV NO 12568468

PKG NO. 2940771



UNIT 008

INVENTORY NO. 12568468

DATE RECOVERED



RD HV208784

RE-INVENTORY OF:

DESCRIPTION OF PROPERTY

ITEM ID	QUANTITY	DESCRIPTION
5474039 1	1	FIREARM - H AND R YOUNG AMERICA .22 CAL REVOLVER 2.5" BARREL NICKEL FINISH
5474040 7	7	BULLET / AMMO / MA - LIVE .22 CALIBER ROUNDS

COMMENTS

\$ DEPOSITED AMT

\$ INVENTORY AMT

EVIDENCE & RECOVERED PROPERTY SECTION USE ONLY

Court Date 19-APR-2012

Court Branch 48-4

CURRENCY

OFFICER'S SIGNATURE - STAR - UNIT
WATCH COMMANDER'S APPROVAL SIGNATURE
(EXEMPT RANK REQUIRED FOR FIREARMS)
COURT ORDER - DISPOSAL INSTRUCTIONS

IUCR 143A WEAPONS VIOLATION UNLAWFUL POSS OF HANDGUN
STATE CHARGES 720 ILCS 5.0/24-1.1-A

CHARGE TYPE: FELONY
INCHARGE: OFFENSE AS CITED

RECOVERED/SEIZED FROM - NAME WHITE, SAMUEL
DECEASED ARRESTED
OWNER'S NAME WHITE, SAMUEL

AT 6527 S CALIFORNIA AVE
CHICAGO, IL 60629

BEAT OF RECOVERY 831

ADDRESS 6527 S CALIFORNIA AVE
CHICAGO, IL 60629

TELEPHONE NO.

JUDGE

CT BR.

FOUND BY - NAME MCDEVITT, BRIAN Star: 13197
C.P.D. CHECK IF

ADDRESS

TELEPHONE NO.

HOLD FOR INVESTIGATION INVESTIGATING OFFICER -
AND/OR EVIDENCE MCDEVITT, BRIAN
(IF NOT NEEDED FOR INVESTIGATION/EVIDENCE, LEAVE BLANK)

STAR NO. 13197

UNIT 008

1st OFFICER'S NAME
MCDEVITT, BRIAN

STAR NO. 13197

OFFICER'S SIGNATURE - STAR UNIT

PROPERTY AVAILABLE FOR RETURN TO OWNER

TO BE DISPOSED OF BY CUSTODIAN (NOT TO BE RETURNED)
(THIS APPLIES IF PROPERTY IS NOT EVIDENCE, NOT RETURNABLE AND/OR OWNER IS UNKNOWN)

INITIAL DESTINATION OF PROPERTY, FORENSIC SERVICES SECTION

2nd OFFICER'S NAME
CAREY, THOMAS

STAR NO. 18795

VIA ☒ POLICE MAIL ☐ RECOVERING UNIT PERSONNEL
☐ E & RPS PICKUP ☐ EVID LAB TECHNICIAN

APPROVING DESK SERGEANT
WALANO, MICHAEL

SIGNATURE
Electronic Approval

UNIT 008

Created by: PC0V241

DATE 22-MAR-2012

TIME 00:26

COPY 1 - KEEP WITH PROPERTY

(B1)

K55010

30-6

HW 208 784

GOCR: 143A

HISTORY:

The Reporting Officers on today's date, were assigned to a "Directed Patrol Mission" in the 63rd street corridor when they responded to a call of "shots fired" at 6535 S. California. Upon arrival the Officers observed the arrestee and another male in front of 6527 S. California. The Officers exited and approached the subjects in the courtway (front yard) of the apartment complex. As the Officers neared both subjects looked in the Officers direction and the arrestee was observed as he reached into his waist band, removed a small revolver and walked to the common hallway door of 6527 and opened the door and tossed the gun into the hallway. The subject was stopped at the door and the above listed revolver he threw was recovered. The subject was placed under arrest and advised of his rights. The Officer conducted a custodial search and the above listed contraband was recovered from the arrestee's pocket. The subject was advised of the additional charges against him. After being advised of his rights the arrestee stated "the gun was his and his homey (friend) didn't know he had the gun or X" (street term for ecstasy). The subject then stated I heard the shots, but check it out mine ain't been fired." The second subject was released after being found free of any contraband. The subject was transported to 008 where a check with the BofI showed he was convicted under 94CR1414003 for Murder. The Officers contacted Felony Review and the above charges were placed.

Report of:

B. MCDEVITT #13197

E.J. MAY #16474

Approved:

Sgt L. GAde #1841

22 MAR 12 0100 hours

HV 208 784



NO. 6151271	STREET DR. California	APT. NO.	5. FIRE RELATED	6. DATE OF OCCURRENCE - TIME	7. BEAT OF OCCUR.	8. BEAT UNIT ASS.
3. TYPE OF LOCATION OR PREMISE WHERE OFFENSE OCCURRED (GIVE NAME OF LOCATION IF APPLICABLE)		10. LOCATION CODE	9. DATE R.O. ARRIVED - TIME	2. ASSIGNED BY	1. BEAT OF OCCUR.	
Street		304	21 MAR 12 12235	825	806D	

All information, descriptions and statements in this entire report are approximations or summarizations unless indicated otherwise.

1. NAME B. MCDEVITT	21. HOME ADDRESS 3420 W. 63rd Street	22. SEX-RACE-AGE M-2-129	23. HOME PHONE	24. BUSINESS PHONE	25. TIME AVAILABLE	26. OCCUPATION Policeman	27. IN VICT REL COI
31. UNDISCOVERED Concerned Citizen	32. REPORTED OFFENSE	33. SEX-RACE-AGE	34. HOME PHONE	35. BUSINESS PHONE	36. TIME AVAILABLE	37. OCCUPATION	38. IN VICT REL COI
Reporting Officers							
42. HOME ADDRESS 6527 S. California							
43. SEX-RACE-AGE M-1-34							
44. HEIGHT 511							
45. WEIGHT 190							
46. EYES brn							
47. HAIR blk							
48. COMPL. med							
49. MARKS, SCARS, ETC. Tat BD							
50. CEIL. NO. 1836-8311							
51. OFFICER RPT. CODE 24							

51. OBJECT/WEAPON USED 3. USED 2. DISPLAYED 3. UNK	52. FIREARM FEATURES 53. POINT/ENTRY 54. POINT/EXIT	55. BUNGLAR ALARM 56. SAFE BUNGLARY METHOD	57. IF RESIDENCE, WHERE WERE OCCUPANTS
01. HAND GUN 02. SHOTGUN 03. RIFLE 04. KNIFE 05. VEHICLE 06. BLUNT INSTRUMENT 07. THROWN OBJECT	08. EXPLOSIVE 09. LIQUID/GAS 10. BOTTLE/GLASS 11. RAZOR 12. PRY TOOL 13. HAND, FEET 14. OTHER 15. DNA	01. FRONT DOOR 02. REAR DOOR 03. WINDOW 04. ROOF 05. FLOOR 06. SIDE DOOR 07. OTHER 08. UNKNOWN 09. DNA	01. PUNCH 02. TORCH 03. EXPLOSIVE 04. DRILL 05. REMOVED 06. PERL 07. OPEN 08. UNKNOWN 09. DRILL 05. FUNERAL/MAKE

11. DESCRIBE PROPERTY IN NARRATIVE	12. JEWELRY	13. FURS	14. CLOTHING	15. OFFICE EQUIPMT.	16. TV, RADIO, STEREO	17. HOUSEHOLD GOODS	18. CONSUM. GOODS	19. FIREARMS	20. MEAT/DRUG/DRUG	21. OTHER	22. BONE
1. CLOTHING	1. CLOTHING	1. CLOTHING	1. CLOTHING	1. CLOTHING	1. CLOTHING	1. CLOTHING	1. CLOTHING	1. CLOTHING	1. CLOTHING	1. CLOTHING	1. CLOTHING

1. ARRESTEE: (1) WHITE, Samuel, R. M/B, 11 OCT 77, TR#1081608, CE#1836-8311	2. DATE ARRESTED: 21 MAR 12	3. OFFICER NOTIFYING FOLLOWUP INVESTIG. UNIT	4. OFFICER NOTIFYING	5. DATE INVEST. COMPLETED-TIME	6. SUPERVISOR APPROVING (PRINT NAME)	7. DATE APPROVED-TIME
Black t-shirt, pants and shoes.	6527 S. California	By Report	By Report	22 MAR 12 0100	SGT. [Signature]	22 MAR 12 0100

1. OFFICER'S SIGNATURE [Signature]	2. OFFICER'S SIGNATURE [Signature]	3. OFFICER'S SIGNATURE [Signature]	4. OFFICER'S SIGNATURE [Signature]	5. OFFICER'S SIGNATURE [Signature]	6. OFFICER'S SIGNATURE [Signature]	7. OFFICER'S SIGNATURE [Signature]
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BR 48-4

19 APR 12

1300 hours

INVENTORY:

(1) 22 caliber, n/p H&R . . . revolver, serial number removed, w/7 live 22 caliber rounds (recovered by McDEVITT).

(1) Plastic bag containing (12) plastic packets, each containing crushed plant, cannabi and (1) plastic bag containing (6) multi-colored pills (Ecstasy). (recovered by McDEVITT).

GUN REGISTRATION: None, serial number removed.

WEATHER:

70 Degree's, Wednesday, clear with artificial lighting, in civilian dress.

ARRESTING:

MB 806D B. McDEVITT #13197 E.J. MAY #16474 T. CAREY #18795

MB 865C K. RICHARDT #19385 E. FLAGG #12037

MB 832 OTERO #10058

LOPEZ #6711

SEE PAGE #3

I HAVE REVIEWED THIS REPORT SUPERVISOR'S SIGNATURE
AND BY MY SIGNATURE (INDI.)
DATE THAT IT IS ACCEPTABLE

#1841

DATE (DAY-MO-YR.)
22 MAR 12

FOR USE BY BUREAU OF INVESTIGATIVE SERVICES ONLY

OFFENSE CODE <input type="checkbox"/> CORRECT <input type="checkbox"/> REVISED	REV. CODE	MUCH METHOD CODE	METHOD ASSIGNED <input type="checkbox"/> FIELD <input type="checkbox"/> SUMMARY	ADMIN. <input type="checkbox"/> ADMIN.	UNIT NO.	OFFICER ASSIGNED STAR NO.	DATE ASSIGNED	SUPV. ST. NO.	INVESTIGATIVE FILE <input type="checkbox"/> YES <input type="checkbox"/> NO	REASSIGNED <input type="checkbox"/> YES <input type="checkbox"/> NO	
OFFICER REASSIGNED - DATE	STATUS <input type="checkbox"/> CLEARED CLOSED <input type="checkbox"/> CLEARED OPEN <input type="checkbox"/> EXC. CLEARED OPEN	PROGRESS <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> EXC. CLRD. CLOSED <input type="checkbox"/> CLOSED-NON-CRIMINAL	IF CASE IS CLEARED, HOW CLEARED USE THIS BOX FOR SINGLE CLEAR UP OR FIRST CLEAR UP OF MULTIPLE CLEAR UP LIST <input type="checkbox"/> ARREST <input type="checkbox"/> DIRECTED TO FAMILY COURT <input type="checkbox"/> COMPT. REFUSED TO PROSECUTE <input type="checkbox"/> COMMUNITY ADJUSTMENT <input type="checkbox"/> EXCEPTIONAL	REVISED NAME	REVISED ADDRESS	REVISED PHONE NO.	I HAVE REVIEWED THIS REPORT SUPERVISOR'S SIGNATURE AND BY MY SIGNATURE (INDI.) DATE THAT IT IS ACCEPTABLE				
PROPERTY TAKEN/RECOVERED <input type="checkbox"/> DNA <input type="checkbox"/> VERIFIED <input type="checkbox"/> CORRECTED	12 JEWELRY <input type="checkbox"/> T S <input type="checkbox"/> R	13 PURS <input type="checkbox"/> T S <input type="checkbox"/> R	14 CLOTHING <input type="checkbox"/> T S <input type="checkbox"/> R	17 OFFICE EQUIPMT. <input type="checkbox"/> T S <input type="checkbox"/> R	18 TV, RADIO, STEREO <input type="checkbox"/> T S <input type="checkbox"/> R	19 HOUSEHOLD GOODS <input type="checkbox"/> T S <input type="checkbox"/> R	10 CONSUM. GOODS <input type="checkbox"/> T S <input type="checkbox"/> R	11 FIREARMS <input type="checkbox"/> T S <input type="checkbox"/> R	12 NARCOTICS/DRUGS <input type="checkbox"/> T S <input type="checkbox"/> R	13 OTHER <input type="checkbox"/> T S <input type="checkbox"/> R	14 NONE <input type="checkbox"/> T S <input type="checkbox"/> R

IF ANY TREATMENT INFORMATION NOT ON ORIGINAL REPORT

PREPARED BY - SIGNATURE

STAR NO. DATE (DAY-MO-YR.)

APPROVED BY - SIGNATURE

STAR NO.

DATE (DAY-MO-YR.)

KSSD10

7-11

CHARGES: 720 5/24.1 & 720 570/402 & 720 550/4

HV 208 784

CT DATE: BR 48-4 19 APR 12

1300 hours

INVENTORY:

(1) 22 caliber, n/p H&R380 revolver, serial number removed, w/7 live 22 caliber rounds (recovered by McDEVITT).

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ARRESTING: MB 806D B. McDEVITT #13197 E.J. MAY #16474 T. CAREY #18795

MB 865C K. RICHARDT #19385 E. FLAGG #12037

MB 832 OTERO #10058 LOPEZ #6711

SEE PAGE #3

I HAVE REVIEWED THIS REPORT AND BY MY SIGNATURE INDICATE THAT IT IS ACCEPTABLE.

#1841

DATE (DAY-MO-YR) 22 MAR 12

FOR USE BY BUREAU OF INVESTIGATIVE SERVICES ONLY

JUDG. OFFENSE CODE -		REV. CODE	H&M METHOD CODE		METHOD ASSIGNED		UNIT NO.		OFFICER ASSIGNED	DATE ASSIGNED	SUPV. STAR NO.	INVESTIGATIVE FILE	REASSIGNED
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<input type="checkbox"/> 2 REVISED													
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FILL IN THE FULL AMOUNT OF ONLY THOSE VALUES WHICH DIFFER FROM OR WERE NOT REPORTED ON THE REVERSE, THE NARRATIVE OR A SUPPLEMENTARY REPORT.

18 HOUSEHOLD GOODS 10 CONSUM. GOODS 14 FIREARMS 18 MARC/DRUGS 15 OTHER 16 NONE

LIST ALL CORRECTIONS & NEW OR ADDITIONAL NOS. OBTAINED

REMARKS (PERTINENT INFORMATION NOT ON ORIGINAL REPORT)

PREPARED BY - SIGNATURE

STAR NO. DATE (DAY-MO-YR.)

APPROVED BY - SIGNATURE

STAR NO. DATE (DAY-MO-YR.)

410

CAREY

CHICAGO POLICE
1. WEAPONS VIOLATION
2. UNLAWFUL POSSESSION-HANDGUN
3. FIRE RELATED
4. ADDRESS OF OCCURRENCE
5. TYPE OF LOCATION OR PREMISE WHERE OFFENSE OCCURRED (GIVE NAME OF LOCATION IF APPLICABLE)
6. DATE OF OCCURRENCE - TIME
7. BEAT OF OCCUR.
8. BEAT/VICTIM ASSIGN
9. TYPE OF LOCATION OR PREMISE WHERE OFFENSE OCCURRED (GIVE NAME OF LOCATION IF APPLICABLE)
10. LOCATION CODE
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13. SUPERVISOR
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1. NAME
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9. YES NO
10. VICTIM REL. CODE
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1. OFFENSE WEAPON
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2. JEWELRY
3. FURS
4. CLOTHING
5. OFFICE EQUIPMT.
6. RADIO/STEREO
7. HOUSEHOLD GOODS
8. CONSUM. GOODS
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10. NEW JEWELRY
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3. 6527 S. California
4. 2235 hours
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6. 16474
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EXhibit C (C1)

5064

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	4	F	720 ILCS 570.0/402-C	Pcs - Possession - Poss Amt Con Sub Except (A)(D)	OFFENSE AS CITED
[1]	A	M	720 ILCS 550.0/4-C	Cannabis - Possess 10-30 Grms	OFFENSE AS CITED
[1]	3	F	720 ILCS 5.0/24-1.1-A	Uuw - Weapon - Felon, Possess/Use Firearm	OFFENSE AS CITED

COURT CHARGES/DISPOSITION

Statute	Charge	Class	Case#
720-5/24-1.1-A	Uuw - WEAPON - FELON, P	M	12111051601
Disposition: NOLLE PROSEQUI			
Sentence:			
		Disposition Date:	01-MAY-2012
		Sentence Date:	

COURT CHARGES/DISPOSITION

Statute	Charge	Class	Case#
720-5/24-1.6(a)(1)	AGG UNLWFL USE WEAPON/VEH/2ND	F	12CR0945901
Disposition: NOLLE PROSEQUI			
Sentence:			
		Disposition Date:	19-NOV-2012
		Sentence Date:	

Disposition: NOLLE PROSEQUI

Sentence:

Disposition: NOLLE PROSEQUI

COURT CHARGES/DISPOSITION

Statute	Charge	Class	Case#
720-550/4-C	CANNABIS - POSSESS 10-30	M	12111051601
Disposition: NOLLE PROSEQUI			
Sentence:			
		Disposition Date:	01-MAY-2012
		Sentence Date:	

COURT CHARGES/DISPOSITION

Statute	Charge	Class	Case#
720-570/402-C	PCS - POSSESSION - POSS A	M	12111051601
Disposition: NOLLE PROSEQUI			
Sentence:			
		Disposition Date:	01-MAY-2012
		Sentence Date:	

ARREST

Arrest Name: WHITE, SAMUEL ROBERT
Date of Birth: 11-OCT-1977
DCN or CB: 018180785
Officer: MOYA

Arrest Date: 05-JUL-2011 Holding Facility: CPD - DISTRICT 003
Arrest Address: 6527 S CALIFORNIA AVE CHICAGO, IL 60629
Residence: 6527 S CALIFORNIA AVE # G CHICAGO, IL 60629
Officer Badge#: 17172 Arresting Agency: CPD

Count Class Type Statute

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	L		10-8-515	Soliciting Unlawful Business	OFFENSE AS CITED
[1]	L		10-8-520	Street Vendor	OFFENSE AS CITED
[1]	L		4-8-020-C	Licensing Requirements/Mobile Food Dispenser	OFFENSE AS CITED

ARREST

Arrest Name: WHITE, SAMUEL R
Date of Birth: 11-OCT-1977
DCN or CB: 018018770
Officer: FRONCZAK

Arrest Date: 14-NOV-2010 Holding Facility: CPD - DISTRICT 003
Arrest Address: 7050 S SOUTH CHICAGO AVE CHICAGO, IL 60637
Residence: 6527 S CALIFORNIA AVE CHICAGO, IL 60629
Officer Badge#: 16924 Arresting Agency: CPD

CASE: 12111051601 S (START OF CASE) PAGE: 004 OF 004 PROD
DEFENDANT NAME: SAMUEL R WHITE LST APPEAL:
050112-
DEF DEMAND FOR TRIAL
RYAN JIM
BRANCH 48 RM 2 0100 PM
050112-
NOLLE PROSEQUI CALL
RYAN JIM
BRANCH 48 RM 2 0100 PM
END OF FILE

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=> PRINT THE FOLLOWING PAGES PAGE: 001 THRU 004 DESTINATION _____

(EXHIBIT E)

User ID: RHONDA CANTRELL

COOK COUNTY SHERIFF'S OFFICE

Booking History Print Screen

Date: 02/05/2013

Time: 8:50 AM

Page: 1 of 1

Name WHITE, SAMUEL		Inmate #: 0564045	Birth Date: 10/11/1977	Birth State: IL	Race: BK	Gender: M
Booking #	Name	Book Date	Released	Release Reason	Docket #:	
20120605048	WHITE, SAMUEL	06/05/2012			12CR0945901	
20120322110	WHITE, SAMUEL	03/22/2012	05/01/2012	CHARGE DROPPED	12111051601	
20091112100	WHITE, SAMUEL	11/12/2009	02/27/2010	SENTENCE EXPIRED	09CR2213001 35606285	
20090042543	WHITE, SAMUEL	06/29/2009	09/03/2009	SOL	M09438720 M35606283	
20090028815	WHITE, SAMUEL	05/05/2009	05/11/2009	IDOC	M09438720 WIDOC	
20080038505	WHITE, SAMUEL	06/01/2008	06/03/2008	IDOC	M08121408701 WIDOC/K55010	

(EXHIBIT F)

Inmate #: 0564045 WHITE, SAMUEL

Birth Date: 10/11/1977

Birth State: IL

Booking #	Name	Date	Released	Release Reason
20120605048	WHITE, SAMUEL	06/05/2012		
20120322110	WHITE, SAMUEL	03/22/2012	05/01/2012	Charge Dropped
20091112100	WHITE, SAMUEL	11/12/2009	02/27/2010	Sentence Expired
20090042543	WHITE, SAMUEL	06/29/2009	09/03/2009	SOL
20090028815	WHITE, SAMUEL	05/05/2009	05/11/2009	IDOC
20080038505	WHITE, SAMUEL	06/01/2008	06/03/2008	IDOC

(EXHIBIT G)

TZCR0945901

1 IN RE: PEOPLE VS. SAMUEL WHITE

2 GJ NO. MAY 190

3 12 CR 9459

4 ARR. DATE June 5, 2012

5
6 BEFORE THE GRAND JURY OF COOK COUNTY

7 MAY 2012

8
9 REPORT OF GRAND JURY PROCEEDINGS on
10 May 15th, 2012, at the Cook County Criminal Courts
11 building, 2600 South California Avenue, Chicago,
12 Illinois 60608.

13
14 PRESENT:

15 HONORABLE ANITA ALVAREZ,
16 State Attorney of Cook County,
17 Illinois, by:
18 MS. JENNIFER HAMELLE,
19 Appeared on behalf of the People
20 of the State of Illinois

21 WITNESS:

22 OFFICER McDEVITT

23 REPORTED BY:

24 Dorothy M. Nagle
2650 South California Avenue
Chicago, Illinois 60608
CSR License No. 0084-003564

(Exhibit H) 301

1 MS. HAMELLY: Good morning.

2 The Grand Jury does have the right to
3 subpoena and question any person against whom the
4 State's Attorney is seeking a Bill of Indictment, or
5 any other person, and to obtain and examine any
6 documents or transcripts relevant to the matter
7 being prosecuted by the State's Attorney.

8 THE FOREPERSON: Would you raise your right
9 hand?

10 (Witness sworn.)

11 MS. HAMELLY: This is Grand Jury No. May
12 190. The People of the State of Illinois are
13 seeking a true bill of indictment against Samuel
14 White for the following offenses of unlawful use of
15 a weapon by a felon, armed violence, aggravated
16 unlawful use of a weapon, possession of a controlled
17 substance and armed habitual criminal.
18
19
20
21
22
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24

1 OFFICER McDEVITT,
2 called as a witness herein, having been first duly
3 sworn, was examined and testified as follows:
4

5 EXAMINATION

6 BY MS. HAMELLE:

7 Q. Officer, would please state your name and
8 spell your last name for the record.

9 A. Officer McDevitt, M-c-D-e-v-i-t-t, Star
10 No. 13197, assigned to the 8th District, Chicago
11 Police Department.

12 Q. Were you so working for the Chicago Police
13 Department on or about March 21, 2012 in the evening
14 in the area of the 6500 block of South California,
15 Chicago, Cook County, Illinois?

16 A. Yes, I was.

17 Q. ~~At that time were you dispatched to that~~
18 ~~area?~~

19 A. ~~Yes, I was.~~

20 Q. ~~What was the purpose of that dispatch?~~

21 A. ~~I was investigating a call of shots fired.~~

22 Q. And at that time, did you arrive in the
23 apartment complex?

24 A. Yes.

1 Q. Did you see anyone in the courtyard of that
2 apartment complex?

3 A. Yes, I did.

4 Q. Did you later learn that that person is
5 Samuel White?

6 A. Yes.

7 Q. And the apartment complex courtyard where
8 you saw him standing, was that lit?

9 A. Yes, it was.

10 Q. Was it lit with overhead light?

11 A. Yes, I believe so.

12 Q. And at that time did you approach towards
13 him for a field interview?

14 A. Yes, I did.

15 Q. As you approached Samuel White, what, if
16 anything, did you observe him do?

17 A. I observed White as he looked in my
18 direction went to his waistband and removed a
19 handgun.

20 Q. And did you continue to watch him and
21 approach him?

22 A. Yes, I did.

23 Q. What did you observe him do next, if
24 anything?

1 A. I observed him walk toward a door and open
2 the door and toss the handgun in the door.

3 Q. Did you detain Samuel White at that time?

4 A. Yes.

5 Q. Did you then recover anything from behind
6 that door where you saw him toss a handgun?

7 A. Yes.

8 Q. What, if anything, did you recover?

9 A. One .22-caliber revolver loaded with seven
10 live .22-caliber rounds.

11 Q. At that time it was uncased?

12 A. Yes, it was.

13 Q. And you had previously seen it in Samuel
14 White's hands?

15 A. Yes.

16 Q. Did you recover anything from Samuel
17 White's person after that?

18 A. Yes, I did.

19 Q. What did you recover from Samuel White's
20 person?

21 A. One clear plastic baggie containing 12
22 knotted baggies of suspect cannabis, as well as one
23 baggie containing six pills, suspect Ecstasy.

24 Q. Were those items inventoried and sent to

1 the Illinois State Police Crime Lab for testing and
2 analysis?

3 A. Yes, they were.

4 Q. Now going back to the revolver that you are
5 recovered. What, if anything, did you notice about
6 that revolver?

7 A. The serial number was scratched off, I
8 believe. It was unlegible.

9 Q. So you couldn't read what the serial number
10 was?

11 A. No.

12 Q. Did you transport Samuel White to the
13 station for processing?

14 A. Yes.

15 Q. Did you learn that Samuel White -- whether
16 Samuel White has a valid firearm owner's
17 identification card?

18 A. Yes, he did not have a FOID card.

19 Q. Did you also learn that he has prior
20 convictions for domestic battery in case
21 No. 09 CR 22130 and a prior conviction for murder in
22 case No. 94 CR 14140?

23 A. Yes.

24 Q. And as to those items that were inventoried

1 and sent to the lab that were recovered from his
2 person, did you learn that the 12 items did test
3 positive for a misdemeanor amount of cannabis 3.8
4 grams?

5 A. Yes.

6 Q. And did you learn that as to those six
7 tablets, three of them were analyzed and three were
8 not?

9 A. Yes.

10 Q. And did you learn that one of those tablets
11 was analyzed and tested positive for a Schedule One
12 substance, and I will try to say it and then spell
13 it, 5-methoxy-N,N-diisopropyl tryptamine,
14 5-m-e-t-h-o-x-y-N,-N-
15 d-i-i-s-o-p-r-o-p-y-l-t-r-y-p-t-a-m-i-n-e, which is
16 a substance that is not authorized under Illinois
17 Controlled Substance Act?

18 A. Yes.

19 Q. Did you also learn that the other two
20 tablets that were analyzed tested positive for .5
21 grams of BZP, which is Benzylpiperazine,
22 B-e-n-z-y-l-p-i-p-e-r-a-z-i-n-e, which is also a
23 Schedule One substance which is not authorized under
24 the Controlled Substance Act?



OFFICE OF THE STATE'S ATTORNEY
COOK COUNTY, ILLINOIS

ANITA ALVAREZ
State's Attorney

Criminal Prosecutions Bureau
2650 S. California Ave.
Chicago, IL 60608

Samuel White
6527 S. California Ave. #1
Chicago, IL 60629

Samuel White:

RE:12CR-9459

Please be advised that on May 15, 2012 you were indicted by the Cook County Grand Jury, Indictment No. 12CR-9459, charged with **ARMED HABITUAL CRIMINAL**, etc. Your courtroom assignment has been set for **Tuesday, June 5, 2012, at 9:00 AM**. Before the Honorable Paul P Biebel, Jr, Court Room 101, First Municipal District, Circuit Court of Cook County, 2650 S. California, Chicago, IL 60608. Failure to appear in assigned courtroom may result in a warrant for your arrest.

Sincerely,

ANITA ALVAREZ
State's Attorney of Cook County

By:
John B Dillon
Assistant State's Attorney

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

Julie Ruiz, BEING FIRST DULY SWORN ON OATH DEPOSES AND STATES that she served a copy of the above letter, properly addressed and stamped to the above named by depositing same in the United States mail chute at 2650 S. California Ave., Chicago, IL, within five days of this indictment.

A handwritten signature of Julie Ruiz, written in black ink, positioned above a horizontal line.

Subscribed and sworn (or affirmed) to before me May 16, 2012

by A handwritten signature of a notary public, written in black ink, positioned above a horizontal line.
Notary Public



(EXHIBIT I)



ILLINOIS STATE POLICE
Freedom of Information Office

Pat Quinn
Governor

Hiram Grau
Director

RESPONSE to FOIA REQUEST

April 15, 2014

Samuel White #K55010
Pinckneyville CC
P.O. Box 999
Pickneyville, Illinois 62274

FOIR #14-0674

Thank you for writing to the Illinois State Police with your request for information pursuant to the Illinois Freedom of Information Act, 5 ILCS 140/1 et seq.

On April 9, 2014, we received your request for the following: Information pertaining to Inventory #12568468.

The Illinois State Police has no documents responsive to your request. The Chicago Police Department did not submit the item of evidence, Inventory #12568468, to the ISP Forensic Science Center at Chicago for analysis.

Respectfully,

A handwritten signature in black ink, appearing to read "LT Lyddon", is written over the typed name.

Lieutenant Steve Lyddon
FOIA Officer
801 South 7th Street, Suite 1000-S
Springfield, Illinois 62703

Exhibit J



ILLINOIS STATE POLICE
Freedom of Information Office

Pat Quinn
Governor

Hiram Grau
Director

RESPONSE to FOIA REQUEST

May 5, 2014

Samuel White #K55010
Pinckneyville CC
P.O. Box 999
Pickneyville, Illinois 62274

FOIR #14-0808

Thank you for writing to the Illinois State Police with your request for information pursuant to the Illinois Freedom of Information Act, 5 ILCS 140/1 et seq.

On April 28, 2014, we received your request for certain records pertaining to: Information pertaining to RD #HV208784, Inv. #12568468. The Illinois State Police can locate no documents responsive to your request.

Sincerely,

Lieutenant Steve Lyddon
FOIA Officer
801 South 7th Street, Suite 1000-S
Springfield, Illinois 62703

EXHIBIT K

1 P-a-t-t-a-r-o-z-z-i.

2 THE COURT: For the defense?

3 MR. SHERMAN: Dennis Sherman.

4 THE COURT: Any other matters or motions we
5 need to address?

6 MR. ANDERSON: Motion to exclude.

7 MR. SHERMAN: We will join.

8 THE COURT: That is granted.

9 Any opening statements?

10 MR. ANDERSON: I will waive opening, your
11 Honor.

12 MR. SHERMAN: So will I.

13 THE COURT: Call your first witness.

14 MR. ANDERSON: Thank you, your Honor.

15 (Witness duly sworn.)

16 THE COURT: You may proceed.

17 MR. ANDERSON: Thank you, your Honor.

18 OFFICER BRIAN MCDEVITT,
19 a witness called herein, having been first duly
20 sworn, was examined and testified as follows:

21 DIRECT EXAMINATION

22 BY

23 MR. ANDERSON:

24 Q. In a loud, clear voice, if you could state

1 your first and last name.

2 A. Officer Brian McDevitt, M-c-D-e-v-i-t-t.

3 Q. Sir, who are you employed by?

4 A. The Chicago Police Department.

5 Q. How long have you been a Chicago police
6 officer?

7 A. Seven years.

8 Q. What is your star number, sir?

9 A. 13197.

10 Q. I am going to draw your attention to the
11 date of March 21, 2012. Were you so employed and on
12 duty as a Chicago police officer at approximately the
13 10:00 night hour of that day?

14 A. Yes.

15 Q. Were you working alone or with partners?

16 A. I was working with two additional partners.

17 Q. Do you recall their names, and if you could
18 spell their names?

19 A. Yes. Officer May, M-a-y, and Officer Carey,
20 C-a-r-e-y.

21 Q. Were you on foot or in a vehicle?

22 A. I was in a vehicle.

23 Q. And if you could describe that vehicle to
24 the Court. What type of vehicle was it?

1 A. The vehicle was an unmarked Ford Crown
2 Victoria.

3 Q. Did that have emergency equipment that is
4 usually on a police vehicle?

5 A. Yes, it did.

6 Q. Could you describe your clothing that you
7 were wearing at the time to the Court.

8 A. I was in civilian dress, blue jeans and a
9 T-shirt I believe covered by a ballistic vest.

10 Q. Did that vest have the insignia apparent to
11 the public that you were a Chicago police officer?

12 A. Yes, it did.

13 Q. Did you also have a duty belt on with a
14 firearm and other tools of your trade?

15 A. Yes, I did.

16 Q. Was that also visible to the public?

17 A. Yes.

18 Q. Were your partners similarly dressed?

19 A. Yes.

20 Q. When you were in your vehicle, do you recall
21 the seating arrangement in your vehicle when you were
22 travelling inside your vehicle?

23 A. Yes.

24 Q. If you could describe to the Court your

1 partners and yourself, the seating arraignment inside
2 the car.

3 A. Officer May was in the driver's seat. I was
4 in the front passenger's seat. Officer Carey was in
5 the rear passenger's seat.

6 Q. Now I am going to draw your attention to an
7 area known as the 6500 block of South California
8 Avenue. Is that located within the City of Chicago,
9 County of Cook?

10 A. Yes, it is.

11 Q. Are you aware of the 6500 block of South
12 California Avenue?

13 A. Yes, I am.

14 Q. How are you familiar with that area?

15 A. Those blocks fall within the boundaries of
16 my district that I work in currently.

17 Q. What district is that?

18 A. The 8th District.

19 Q. Which direction does traffic lay at 6500
20 South California?

21 A. The traffic goes northbound and southbound.

22 Q. Now, that area, would you describe that as a
23 residential, business, or is that a combination of
24 both?

1 A. It is a residential area.

2 Q. What type of homes or buildings are on that
3 6500 block of South California?

4 A. There is some homes on the west side of the
5 street, and there is mostly apartment complexes on
6 the east side of the street.

7 Q. Now I am going to draw your attention to
8 just before 22:35 or slightly before 10:35 in the
9 evening. Were you near the 6500 block of South
10 California in your police vehicle?

11 A. Yes, I was.

12 Q. Approximately how far away were you from
13 that 6500 block?

14 A. Approximately within a mile.

15 Q. You were on patrol; is that correct?

16 A. Correct.

17 Q. Can you briefly describe to the Court what
18 type of patrol you were working, general patrol you
19 were working at that time.

20 A. I was assigned to a directed patrol mission
21 within the 63rd Street corridors due to recent gang
22 and drug activity.

23 Q. Can you briefly describe what type of
24 corridor as you say or what type of neighborhood is

1 in that 6500 block of South California. Is that
2 known for anything?

3 A. Yes. It is an area that is known to be a
4 high narcotic area.

5 Q. Now, at slightly before 22:35, did you
6 happen to receive any information while you were in
7 your car?

8 A. Yes.

9 Q. Could you briefly describe to the Court what
10 that was.

11 A. Yes. A call of shots fired came out over
12 the radio.

13 Q. Was there an area which that call pointed
14 you to?

15 A. Yes.

16 Q. What was that?

17 A. 6535 South California.

18 Q. What did you do after -- what occurred after
19 you received the radio transmission?

20 A. Myself as well as my partners relocated to
21 the area of the 6500 block of South California.

22 Q. Approximately how long did it take you to
23 arrive there upon receiving -- after receiving the
24 radio call?

1 A. Within minutes.

2 Q. From which direction did you travel to that
3 6500 block of South California?

4 A. We travelled west and then northbound.

5 Q. So you were travelling northbound on
6 California?

7 A. Correct.

8 Q. As you were travelling northbound on
9 California Avenue, did you -- where did you initially
10 travel to on that block?

11 A. 6535 South California.

12 Q. Which side of the street is that on?

13 A. It is on the east side of the street.

14 Q. Approximately how fast was your motor
15 vehicle going when you approached that address?

16 A. Ten to 15 miles per hour.

17 Q. Did you happen to see -- and if you could
18 describe what that building is at 6535.

19 A. It is a large apartment complex.

20 Q. Would that be considered a courtyard type
21 building?

22 A. Correct.

23 Q. Did you happen to see any individuals at the
24 6535 courtyard building?

Why He did not
point to the address

1 A. No.

2 Q. What occurred next?

3 A. We continued to drive northbound on South
4 California.

5 Q. And what happened next?

6 A. I observed two individuals standing in the
7 courtyard at 6527 South California.

8 Q. Would that be just one courtyard further
9 north?

10 A. Correct.

11 Q. How many individuals did you see in the 6525
12 corridor building?

13 A. Two.

14 Q. If you could look around the courtroom
15 today, and if you see one of the individuals that was
16 in that courtyard building, could you point to that
17 person and describe an article of clothing they are
18 wearing now.

19 A. Yes. The defendant wearing the tan DOC
20 outfit.

21 MR. ANDERSON: May the Court accept this as an
22 in-court identification of the defendant.

23 THE COURT: In-court identification of the
24 defendant.

1 BY MR. ANDERSON:

2 Q. Okay. Can you briefly describe that
3 building. How many floors was that courtyard
4 building, 6525?

5 A. That building is three floors, I believe.

6 Q. Is that a courtyard building as well?

7 A. Yes, it is.

8 Q. Is there a gate or anything that is on that
9 courtyard?

10 A. Yes.

11 Q. Can you describe what type of gate that is.

12 A. Yes. It is a wrought iron fence with large
13 gaps throughout the fence.

14 Q. As you -- what occurred as you rolled up to
15 that 6527 and you saw those two individuals?

16 What happened next?

17 A. We stopped our vehicle and exited.

18 Q. Which door did you exit?

19 A. I exited out of the passenger's side.

20 Q. Where did you go?

21 A. I walked quickly into the courtyard at 6527
22 South California towards the individuals.

23 Q. Let me ask you: You described a gate
24 there -- excuse me -- a fence there. Was there a

Where is the
probable cause
4th Amend Violation?

1 gate there on the fence?

2 (A.) Yes, there was a gate that swung open into
3 the courtyard.

4 Q. What occurred as you were walking into the
5 courtyard?

6 (A.) As I neared closer to the two individuals,
7 the defendant reached into his waistband, removed a
8 handgun, and began to walk towards the door at 6527
9 South California.

10 Q. Now, where was the defendant -- if you could
11 briefly describe the layout of the courtyard,
12 approximately how wide it was and how many feet was
13 its depth.

14 A. The courtyard is probably 50 feet in depth
15 and approximately 20 feet wide.

16 Q. Where was the defendant standing or
17 positioned in relation to the courtyard?

18 (A.) The defendant was in the southeast corner of
19 the courtyard.

20 Q. As you were facing the defendant, was he to
21 your right or to your left?

22 A. He was to my right.

23 (Q.) And how many feet down was he from you when
24 you started to walk into the courtyard?

1 A. Approximately 50 feet.

2 Q. Can you please describe was there any
3 lighting at that area?

4 A. Yes, there was.

5 Q. Can you describe to the Court what type of
6 lighting was there.

7 A. Yes. There was street lamps with -- one
8 street lamp, but there is two lamps attached to the
9 one post that was just to the north of that location,
10 and there was one light elevated directly in the
11 middle of the building in the courtyard.

12 Q. All right. If you could describe to the
13 Court how -- what was the lighting like?

14 Could you see inside the courtyard?

15 A. Yes, I was able to see inside the courtyard.

16 Q. Okay. Was anything obstructing your view of
17 yourself and the defendant?

18 A. No.

19 Q. Where was the other person standing in
20 relation to the defendant?

21 A. The other individual was standing just next
22 to the defendant on his right side.

23 Q. Was that individual blocking your view of
24 the defendant?

1 A. No.

2 Q. I am sorry.

3 What did you see the defendant do, if
4 anything?

5 A. I saw the defendant reach into his
6 waistband, remove an item, and walk -- I am sorry --
7 a handgun and walk toward the door of that apartment
8 complex.

9 Q. Which way was the defendant facing when he
10 did that?

11 A. He was facing toward me.

12 Q. What did you see him do in relation to the
13 door?

14 A. He opened the door and threw the handgun
15 onto the floor.

16 Q. What occurred after he threw the handgun?

17 A. He then closed the door and walked back away
18 from the door a few steps.

19 Q. How many feet was that door from him when
20 you first saw him reach into his waistband?

21 A. Approximately six feet.

22 Q. What was the next thing that occurred after
23 you saw that?

24 A. Myself as well as my partners continued to

1 walk to the defendant. I reached the defendant
2 first. Officer Carey came and secured the two
3 together with hand restraints.

4 Q. What did you do next?

5 (A.) I walked to the door of 6527 South
6 California, opened the door, went to the hall, and
7 picked up the handgun.

8 Q. How far into the doorway into the hall or
9 the opening did you have to reach down to get the
10 handgun?

11 A. Approximately three to four feet.

12 Q. Was there any other items on the floor in
13 the general area?

14 MR. SHERMAN: Object to leading.

15 THE COURT: Overruled.

16 THE WITNESS: (No.)

17 BY MR. ANDERSON:

18 (Q.) Okay. Can you describe what that handgun
19 looked like.

20 (A.) Yes. It was a silver metal, a .22 caliber,
21 I believe, revolver.

22 Q. When you saw it on the floor before picking
23 it up, did it look like the item that you saw the
24 defendant slip out of his waistband?

1 A. Yes.

2 Q. What condition was the revolver in pursuant
3 to -- was it loaded or unloaded?

4 A. It was loaded with seven rounds.

5 Q. Do you recall what type of ammunition that
6 was?

7 A. Yes, .22 caliber rounds.

8 Q. Was that a .22 caliber revolver?

9 A. Yes, it was.

10 Q. What did you next do with the firearm?

11 A. I secured the firearm. Well, I unloaded the
12 firearm, and then I secured the firearm in my vest.

13 Q. Vest pocket?

14 A. Yes.

15 Q. Was anything inside that vest pocket before
16 you put the ammunition and the handgun in there?

17 A. No.

18 Q. What was the next thing that occurred?

19 A. I approached the defendant and performed a
20 custodial search.

21 Q. Briefly describe how you conducted the
22 search and what, if anything, resulted in that
23 search.

24 A. I patted down from head to toe and checked

1 pockets for any contraband.

2 Q. Did your search reveal anything from the
3 defendant?

4 A. Yes.

5 Q. What was that?

6 A. One clear plastic bag with 12 bags of
7 suspect Cannabis and six multicolored pills
8 containing suspect Ecstasy.

9 Q. Were those pills in their own bag as well?

10 A. Yes, they were.

11 Q. Was that all in the one bag?

12 A. Yes.

13 Q. Did your search reveal anything else from
14 the defendant?

15 A. No.

16 Q. What occurred with the other individual?

17 Was he searched as well?

18 A. Yes, he was.

19 Q. Did that search reveal anything?

20 A. No, it did not.

21 Q. What occurred with him?

22 Was he released?

23 A. He was free to go.

24 Q. Now, what was the next thing that occurred

HE STAFF EVERYTHING
WAS IN ONE BAG
SEE 927

WHY WAS HE LET GO
AND WHAT WITH HIS WOUND

1 with the defendant?

2 A. I then --

3 Q. I am sorry, sir. I apologize.

4 What did you do with the multicolored
5 pills and the Cannibis?

6 What did you do with that?

7 A. I secured those items in my vest pocket.

8 Q. Would that be the same pocket you put the
9 ammunition and the handgun in?

10 A. Yes.

11 Q. What was the next thing that occurred with
12 the defendant?

13 A. I then escorted the defendant outside of the
14 courtyard to the transport vehicle.

15 Q. What occurred then?

16 A. I read the defendant his Miranda warnings at
17 that time.

18 Q. How did you read the defendant the Miranda
19 warnings?

20 A. Per my FOP book.

21 Q. What, if anything, did the defendant say?

22 A. Defendant said that the gun was his in his
23 home. He didn't know that he had it on him or the X.

24 Q. And what, if anything, else did the

THE STATE
ADDED THIS
✓

1 defendant say?

2 A. He also said that he heard the shots fired,
3 but he related to me to look at his gun, it hadn't
4 been fired.

5 Q. Could you tell whether that gun was fired at
6 the time that you picked it up?

7 (A.) No.

8 Q. That it was not fired or --

9 A. I couldn't tell one way or another.

10 Q. Now, was the defendant then transported back
11 to the police station?

12 A. Yes, he was.

13 Q. Now I am going to draw your attention back
14 to -- which district is your police station?

15 A. 8th District.

16 Q. Now I am going to draw your attention back
17 to the 8th District Police Department. When you got
18 back to the police station, did you still have the
19 firearm, the ammunition, as well as the suspect
20 Cannabis and controlled substances still in your vest
21 pocket?

22 A. Yes.

23 Q. Did you maintain care, custody, and control
24 of those items?

1 A. Yes.

2 Q. I am going to draw your attention to the
3 processing room in your police department. Drawing
4 your attention to the .22 revolver and the seven live
5 rounds, what did you do in relation to the firearm
6 and the .22 caliber live rounds?

7 A. Those items went into one large orange
8 envelope, and the ammunition goes inside of that
9 large envelope inside of a smaller envelope.

10 Q. Did you register that in any way?

11 Did you follow an inventory process?

12 A. Yes, I did.

13 Q. Could you just briefly describe to the Court
14 what your inventory process was for the firearm and
15 the ammunition.

16 A. Yes. I input into the computer the
17 specifics of the whereabouts of the case as well as
18 the description of those items. Those items are then
19 given a unique inventory number.

20 Q. Was that number 12568468?

21 A. Yes.

22 Q. Please continue what you did next.

23 A. I also inventoried the narcotics. Those
24 items go into a clear plastic baggy. A description

HE
USED THE COMPUTER
TO PLACE MY
NAME ON INVENTORY
OF VALADEZ

If these number was placed
into computer why did the belong to
VALARDEZ on the computer

First He
Says He found
Everything in
1 bag

1 is written on those. That description is input into
2 a computer as well.

3 Q. Would that include the one clear plastic
4 baggy, the 12 smaller knotted bags containing the
5 green leafy substance, suspect Cannabis, and the one
6 bag containing the 60 multicolored pills, suspect
7 controlled substances?

8 A. Yes.

9 Q. Did you also follow the same inventory
10 procedures?

11 A. Yes.

12 Q. Was a unique inventory number assigned,
13 12568488?

14 A. Yes.

15 Q. Now, what occurred after you had placed
16 those in their individual larger bags?

17 What happened next?

18 A. I then walked those items over to the desk
19 sergeant.

20 Q. In relation to 12568488, the suspect
21 narcotics, what occurred with that bag?

22 A. That bag is heat sealed. I sign off on it
23 as well as the desk sergeant. That bag is then
24 dropped into a narcotics safe.

1 Q. That is a restricted area; is that correct?

2 (A.) Correct.

3 Q. To your knowledge, was Inventory Item
4 No. 12568488 sent to the Illinois State Police Crime
5 Lab?

6 (A.) Yes.

7 Q. In relation to the firearm and the bullets,
8 is that also enclosed within its separate bag?

9 A. Yes.

10 Q. That being Inventory No. 12568468, and that
11 resides in IRPS; is that correct?

12 A. Correct.

13 MR. ANDERSON: May I approach, your Honor.

14 BY MR. ANDERSON:

15 Q. I am showing you what has been marked
16 People's Group Exhibit 1-A, 1-B, 1-C, and 1-D. Sir,
17 if you could take what has been marked for
18 identification as 1-A, do you recognize what 1-A is?

19 A. Yes, I do.

20 Q. What do you recognized that to be?

21 A. A panoramic shot of the east side of the
22 street of the 6500 block of South California.

23 Q. Does that photograph truly and accurately
24 represent -- and what addresses are contained -- what

1 apartment buildings per address are contained within
2 that wider photograph?

3 A. 65 probably 27 South California and the
4 courtyard of 6535 South California.

5 Q. Which compass direction would 6535 be on
6 that photograph? Would that be further --

7 A. Further south.

8 Q. Now, that occurred in the evening; is that
9 correct?

10 A. Yes.

11 Q. This photograph occurs at daytime; is that
12 right?

13 A. Yes, that is right.

14 Q. Is the only difference time of day?

15 A. Yes.

16 Q. Does that photograph truly and accurately
17 depict that block as it looked on the night of
18 March -- at approximately 10:30 on the night of March
19 21, 2012?

20 A. Yes.

21 Q. I am showing you what has been marked as
22 People's No. 1-B. Can you identify what 1-B is.

23 A. Yes.

24 Q. What is 1-B?

1 A. It is the courtyard at 6527 South
2 California.

3 Q. Did that courtyard truly and accurately
4 depict -- outside of it being daylight -- what that
5 courtyard looked on March 21, 2012 at 10:30?

6 A. Yes.

7 Q. I am going to show you what has been marked
8 as People's No. 1-C. If you could describe what 1-C
9 is.

10 A. That is the courtyard at 6527 South
11 California as well.

12 Q. Is that more of a closer view of the
13 courtyard?

14 A. Yes, it is.

15 Q. I am going to show you --

16 THE COURT: 6525 you said?

17 THE WITNESS: 6527 South California.

18 BY MR. ANDERSON:

19 Q. I am going to show you what has been marked
20 as 1-D. What do you recognize 1-D to be?

21 A. That is the door located at 6527 South
22 California.

23 Q. Is this a door that you saw the defendant
24 open up?

1 A. Yes.

2 Q. Now, do all these photographs truly and
3 accurately represent the courtyard and the door as
4 they looked on the night in question, March 21st?

5 A. Yes.

6 Q. Now I would like to show you People's 1-A.
7 If you could put --

8 MR. ANDERSON: And with the Court's permission,
9 I would like to hand the defendant a pen.

10 MR. SHERMAN: He is not the defendant.

11 MR. PATTAROZZI: The officer.

12 MR. ANDERSON: I am sorry. The witness the
13 pen.

14 BY MR. ANDERSON:

15 Q. If you could put an arrow where 6535 is
16 portrayed in that photograph.

17 A. Sure. (Witness complied).

18 Q. If you could put an arrow with two lines in
19 it where the 6525 courtyard is -- 6527.

20 A. (Witness complied).

21 THE COURT: He put an arrow where both
22 locations were.

23 MR. ANDERSON: He put one arrow that has two
24 lines in it.

1 BY MR. ANDERSON:

2 Q. If you could write above the arrow with the
3 two lines the address that that arrow points to.

4 THE COURT: Is that also 1-A he is marking?

5 MR. ANDERSON: Yes.

6 THE COURT: Thank you.

7 BY MR. ANDERSON:

8 Q. Above the arrow with one line, if you could
9 put the address that that courtyard contains.

10 A. (Witness complied).

11 Q. Now I am taking back 1-A.

12 If you could take that pen -- I am going
13 to hand you 1-B -- could you draw circles around
14 lighting, any lighting bulbs or lights that were
15 working on that day, darker circles there.

16 A. (Witness complied).

17 Q. If you could describe -- and where was the
18 first circle that you made on the photograph?

19 A. It is in the wall of the center of the
20 courtyard.

21 Q. Okay. You made two other circles; is that
22 correct?

23 A. Yes, that is correct.

24 Q. What contains those other two circles?

1 A. The street lamp with two -- it's got two
2 lights on one post.

3 Q. Thank you.

4 Now I am showing you what has been
5 marked as -- well, still maintaining your attention
6 on -- excuse me. Withdraw that.

7 Drawing your attention to 1-C, could you
8 write an X where you observed the defendant when he
9 was taking his revolver outside of his waistband.

10 A. (Witness complied).

11 Q. Make that a big dark X, if you could.

12 A. (Witness complied).

13 Q. If you could make a zero where the other
14 person was standing when the defendant did that.

15 A. (Witness complied).

16 Q. If you could make a triangle where you were
17 when you observed the defendant did that.

18 A. (Witness complied).

19 Q. Thank you.

20 MR. ANDERSON: May the record reflect that the
21 defendant has marked 1-C in such a fashion.

22 BY MR. ANDERSON:

23 Q. I am showing you what has been marked as --
24 first of all, if you can describe what that firearm

1 looked like when you saw it being taken from
2 defendant's waistband.

3 A. I saw a small silver handgun with light
4 shining from the metal.

5 Q. Thank you.

6 I am showing you what has been marked as
7 1-D. If you could draw a circle around the door that
8 the defendant opened up.

9 A. (Witness complied).

10 Q. If you could draw an X where the defendant
11 was standing when he came back outside of the door
12 after he tossed the gun inside.

13 A. (Witness complied).

14 Q. Thank you.

15 How tall are the wrought iron fences
16 that are inside the courtyard at the address 6527?

17 A. Approximately four feet.

18 Q. I am going to take back the photographs.
19 Thank you very much.

20 MR. ANDERSON: If I could just have one moment,
21 your Honor.

22 BY MR. ANDERSON:

23 Q. Did you happen to see any other individuals
24 in the courtyard besides the defendant and that other

*They stated they never entered
into the hallway*

*Is the people exhibit
they were produced
the gun photo (etc)*

1 person that was released?

2 (A.) No.

3 Q. Did you happen to see any other individuals
4 including any females, anything, on that block of
5 6500 South California?

6 A. No.

7 MR. ANDERSON: Tender the witness, your Honor.

8 CROSS-EXAMINATION

9 BY

10 MR. SHERMAN:

11 Q. Was not the call of gunshots fired in the
12 alley?

13 (A.) Not to my knowledge.

14 Q. Not to your knowledge.

15 The State didn't show you the 911 tapes
16 and the inquiry today before you testified?

17 (A.) I didn't look at the sheets.

18 Q. Well, would it surprise you if, in fact, the
19 call was shots fired in the alley?

20 (A.) No, because several people called shots
21 fired.

22 Q. Okay. But you never went into that alley,
23 correct?

24 (A.) Correct.

1 Q. Didn't even drive down it to see if there
2 was anybody in the alley; you went directly to the
3 front of these buildings?

4 A. Yes.

5 Q. In these buildings there are like no
6 gangways that you can go from California into the
7 east alley, are there?

8 A. I'm not sure.

9 Q. Now, when you saw these two people -- by the
10 way, what was the name of the other person inside
11 that courtyard?

12 A. I don't remember.

13 Q. All right. Can I show you a police report.
14 Would that refresh your memory?

15 A. No.

16 Q. Why wouldn't that refresh your memory,
17 Officer?

18 A. Because only one person was arrested.

19 Q. That other person was a witness; he was
20 right there when this case occurred, correct?

21 A. Yes.

22 Q. Why wouldn't you take his name and address
23 down?

24 A. His name and address was taken down on a

1 contact card.

2 Q. I see. But not put in any police reports?

3 A. No.

4 Q. You did run a check on this man's name and
5 address to see if there were any warrants out for
6 him, didn't you?

7 A. I didn't personally.

8 Q. Did one of your partners do it while they
9 were -- the two men were in custody or detained?

10 A. I don't know.

11 Q. You don't know. Okay.

12 Now, how far away from the defendant
13 were you when you say you saw him draw out this
14 handgun?

15 A. Approximately 35 feet.

16 Q. 35 feet. Approximately from where I am to
17 you?

18 A. Yes.

19 Q. Okay. What did you do when you saw this man
20 draw out a handgun?

21 A. I had my handgun drawn, and I continued
22 toward the individual.

23 Q. You didn't make any outcries to alert your
24 partner that you had seen a handgun?

1 You didn't shout gun, gun?

2 (A.) No.

3 Q. You drew your handgun. Did you put that in
4 your police report, Officer, that when you saw the
5 gun, that you drew out your weapon?

6 (A.) No.

7 Q. You say the defendant then went to that
8 doorway. When he was going to the doorway, his back
9 was to you, wasn't he?

10 (A.) When he was going to the doorway, his side
11 was toward me.

12 Q. I see. This is not the doorway that is all
13 the way in the back of this building?

14 A. I don't understand.

15 Q. Is the doorway -- does the doorway face
16 west?

17 (A.) No.

18 Q. It faces what, south or north?

19 (A.) South.

20 Q. Okay. When he went inside to open that
21 doorway, did he go inside the hallway?

22 (A.) No.

23 Q. I see. The doorway, does it open towards
24 you -- towards the courtyard or does it open inside

1 the vestibule?

2 (A) It opens inside.

3 Q. So you were not in any way blocked by that
4 hallway to see where, in fact, this object went?

5 A. I don't understand.

6 Q. Well, you are walking up. You were 35 feet
7 away. The man walks into this courtyard -- into this
8 doorway that opens in. Wasn't there anything like
9 the building blocking your view of what was happening
10 inside?

11 MR. ANDERSON: Objection, compound, your Honor.

12 THE COURT: Overruled.

13 (THE WITNESS: I couldn't see fully inside. I
14 was able to see the handgun at that point still.

15 BY MR. SHERMAN:

16 Q. I see.

17 Now, the man did not go inside that
18 hallway at all?

19 (A) No.

20 Q. No. In fact, going inside that hallway,
21 does it possibly go up to any of those three stories,
22 three apartments in that building?

23 A. There is another closed door inside of that
24 hallway.

1 Q. Well, did you see whether that closed door
2 was locked?

3 A. No. I saw that there was a lock on that
4 door.

5 Q. Doesn't necessarily mean it is locked, does
6 it?

7 MR. ANDERSON: Objection, asked and answered.

8 THE COURT: Overruled.

9 BY MR. SHERMAN:

10 Q. Doesn't mean it is locked, does it?

11 Lots of doors have locks on them;
12 doesn't mean it is locked?

13 MR. ANDERSON: Objection, calls for
14 speculation.

15 THE COURT: Overruled.

16 X THE WITNESS: Right.

17 BY MR. SHERMAN:

18 Q. At no time from the time that you first saw
19 this man draw a gun did you ever alert your partners
20 even when he was going inside this vestibule --
21 strike that. I have asked that before.

22 Did you ever make a -- did you ever
23 order this man to stop?

24 A. Yes, I did.

MC DEWITT Did not
Testify at Preliminary
Hearing due to Bogus
Reports.

1 Q. You did. Did you put that in your police
2 report?

3 (A) No, I did not.

4 Q. In fact, you didn't testify when you were
5 asked by the State what, if anything, did you do, you
6 never mentioned anything about ordering this man to
7 stop, did you?

8 MR. ANDERSON: Objection.

9 THE COURT: Overruled.

10 ✓ THE WITNESS: No.

11 BY MR. SHERMAN:

12 Q. Now, after you stopped this defendant, was
13 he still in the -- he was no longer in that doorway,
14 correct?

15 (A) Correct.

16 Q. He came towards you?

17 (A) No, he did not. Well, he took a couple
18 steps away from the door.

19 Q. What did you do?

20 A. I approached both individuals. My partner
21 was right behind me, Officer Carey.

22 Q. Officer May who always drives, right?

23 A. Yes.

24 Q. So you never told any of these men, either

1 of the -- this man or the other man to show you their
2 hands?

3 (A.) Yes, I did.

4 Q. Did you put that in your police report?

5 (A.) No, I did not.

6 Q. After you were arresting or detaining both
7 men, did you run their names on -- did anybody run
8 their names on their computer before they were
9 arrested?

10 MR. ANDERSON: Objection, asked and answered.
11 He mentioned that he did not know when the other
12 person's name was run.

13 MR. SHERMAN: This is a different question.

14 THE COURT: The first one was technically a
15 warrant. Overruled.

16 BY MR. SHERMAN:

17 Q. Do you know before either man was charged or
18 either man was released whether you ran their names
19 to determine anything about them?

20 (A.) I did not.

21 Q. Did Officer May or Officer Carey do it?

22 (A.) I don't know.

23 Q. Would you say it took at least two or three,
24 maybe five seconds from the time you first saw this

1 man until he threw this handgun into the vestibule of
2 that courtyard, vestibule of that hallway?

3 (A.) Yes.

4 Q. You said you found contraband and those
5 pills and the marijuana. That marijuana was
6 individually packaged, correct?

7 A. Yes, it was.

8 Q. How much money did you find on the
9 defendant?

10 MR. PATTAROZZI: Objection, relevance.

11 THE COURT: Sustained.

12 BY MR. SHERMAN:

13 Q. You found no money on the defendant, did
14 you?

15 A. I don't know.

16 Q. Well, would anything refresh your memory as
17 to how much money you found on the defendant?

18 A. Copy of the case report.

19 Q. Sure. Let me mark this as Defendant's
20 Exhibit No. 1.

21 MR. PATTAROZZI: I just have an objection. The
22 officer indicated the case reports will fresh his
23 recollection. I think the officer should look at all
24 the case reports.

1 MR. SHERMAN: What other are there?

2 THE COURT: Any particular reason I care how
3 much money he had since it is only possession?

4 MR. SHERMAN: I understand. Because he had
5 nothing on him, Judge. That is why, no money.

6 MR. PATTAROZZI: We will stipulate that the
7 report will show there was no money recovered from
8 the defendant.

9 MR. SHERMAN: Thank you. We have no further
10 questions.

11 REDIRECT EXAMINATION

12 BY

13 MR. ANDERSON:

14 Q. Sir, when you received the radio
15 transmissions of shots called --

16 THE COURT: Shots what?

17 BY MR. ANDERSON:

18 Q. -- shots fired, does that mean that you were
19 the only police car that was assigned to go to that
20 location?

21 A. No.

22 Q. When you receive a call shots fired and
23 there is radio transmission going through, one is an
24 address that you received; is that correct?

1 A. Correct.

2 Q. And one is other calls are coming in that it
3 is the alley, right?

4 A. Correct.

5 Q. Do different cars go to different locations,
6 or do you just in one car try to go to all the
7 locations at once?

8 A. No. Different units will go to different
9 areas.

10 Q. Now, when you write a report pursuant to
11 events that occurred, do you write every single thing
12 that happened in the report or is the report a
13 summary to aid your independent recollection later on
14 in court if needed?

15 A. The report is a summary.

16 Q. You didn't write in the report which door
17 you came out of your police car, did you?

18 A. No.

19 MR. SHERMAN: Objection, relevance.

20 THE COURT: Overruled.

21 BY MR. ANDERSON:

22 Q. Well, do you remember which door you got out
23 of?

24 A. Yes, I do.

1 Q. Did you write down in your report which seat
2 you sat in in your vehicle on the way to the call?

3 A. No, I did not.

4 Q. Do you remember which seat you sat in?

5 A. Yes, I do.

6 Q. You didn't write in your report the length
7 or the depth or how long it took for you to walk to
8 the end of the courtyard, did you?

9 A. No.

10 Q. Do you generally write those things down in
11 your report?

12 A. No.

13 Q. But you remember those things in court,
14 correct?

15 A. Correct.

16 Q. Okay. Do you write down in your report
17 every time you say to someone stop?

18 A. No.

19 Q. But you remember telling the defendant stop,
20 right?

21 A. Correct.

22 Q. Because something is not in your report,
23 does that mean that it never happened?

24 MR. SHERMAN: Objection. It does, but that is

1 not -- that is not relevant. He certainly can't
2 testify to that. It is an opinion.

3 THE COURT: Overruled.

4 MR. SHERMAN: He said of the report. He didn't
5 say his report.

6 MR. ANDERSON: I will rephrase.

7 BY MR. ANDERSON:

8 Q. When you write a report, you leave some
9 things out; isn't that correct?

10 MR. SHERMAN: Objection.

11 THE COURT: Rephrase the question.

12 BY MR. ANDERSON:

13 Q. Do you write every single tiny minutia thing
14 that occurs in your report?

15 MR. SHERMAN: Objection. He already said it is
16 a summary. So obviously it is not going to be a tiny
17 minutia.

18 THE COURT: Sustained. Rephrase.

19 BY MR. ANDERSON:

20 Q. Just because it is not in your report, does
21 that mean that that thing never ever occurred?

22 A. No.

23 MR. ANDERSON: Nothing further.

24 THE COURT: Anything further?

1 MR. SHERMAN: Yes.

2 RECROSS-EXAMINATION

3 BY

4 MR. SHERMAN:

5 Q. It is a summary, but it is a summary of the
6 important facts in this case, right? I think we
7 would likely lawyers say salient facts, right?

8 A. Yes.

9 Q. You don't write stupid things that have
10 nothing to do with this case in that report, do you?

11 MR. ANDERSON: Objection, your Honor,
12 argumentative.

13 THE COURT: Sustained.

14 BY MR. SHERMAN:

15 Q. Minutia the State said. Okay.

16 It is important that, one, you ordered
17 this defendant to stop and he didn't stop. That is
18 important, isn't it?

19 MR. ANDERSON: Objection, your Honor, as to the
20 importance of what? That he remembers it in court
21 which is the reason why -- would that be important to
22 the defense counsel? Maybe he should sit on the
23 stand.

24 THE COURT: As to that basis, overruled.

1 MR. SHERMAN: Thank you.

2 THE WITNESS: Can you repeat the question.

3 BY MR. SHERMAN:

4 Q. Sure.

5 It is important in your report to write
6 down that you ordered this man to stop and he didn't
7 stop?

8 A. No.

9 Q. It is important for you to write down the
10 names and addresses of any witnesses who were present
11 when this occurred?

12 A. Yes.

13 Q. It is important for you to state that, in
14 fact, you withdrew your handgun when seeing somebody
15 with a handgun?

16 MR. ANDERSON: Objection, your Honor. I am
17 confused. Is this important for the defendant or the
18 defense because there is only one person writing
19 reports here. It is the officer.

20 THE COURT: Overruled. He is asking that
21 person. Overruled.

22 THE WITNESS: Can you repeat that question.

23 BY MR. SHERMAN:

24 Q. Sure.

Well why didn't
you write down
the guy name

↓

1 It is important for you to write in your
2 police report when you withdraw your handgun?

3 A. No.

4 Q. It is not important?

5 A. No, it is not.

6 MR. SHERMAN: Okay. I have nothing further.

7 MR. ANDERSON: Nothing further, your Honor.

8 THE COURT: You may step down.

9 (Witness excused.)

10 THE COURT: State, call your next witness.

11 MR. PATTAROZZI: Judge, at this time, the State
12 would proceed by way of stipulation.

13 Judge, it would be herein agreed and
14 stipulated between the parties, by the Cook County
15 State's Attorney Anita Alvarez through Assistant
16 State's Attorneys Mark Anderson and Michael
17 Pattarozzi and through defendant Samuel White through
18 his attorney Dennis Sherman.

19 It is hereby stipulated by and between the
20 parties:

21 That if Officer McDevitt, Star No. 13197,
22 were recalled to testify, he would testify that on
23 March 21, 2012, he recovered a clear plastic bag
24 containing 12 knotted plastic bags, each containing a

*Everything was supposed
to be in one bag
as to the reports and states*

1 STATE OF ILLINOIS)
2) SS:
3 COUNTY OF C O O K)

4 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
5 COUNTY DEPARTMENT - CRIMINAL DIVISION

6 THE PEOPLE OF THE STATE)
7 OF ILLINOIS,)
8) Criminal
9 Plaintiff,)
10) No. 12 CR 09459
11 vs.)
12) Charge: Armed Hab. Crim.
13 SAMUEL WHITE,)
14) BENCH TRIAL
15)
16 Defendant.)

17 REPORT OF PROCEEDINGS had at the trial
18 in the above-entitled cause before the HONORABLE
19 THADDEUS L. WILSON, Judge of said court, on the
20 18th day of December, 2012.

21 PRESENT:

22 HONORABLE ANITA M. ALVAREZ,
23 State's Attorney of Cook County, by:
24 MS. LAUREN BROWN,
MR. MICHAEL PATTAROZZI,
MR. MARK ANDERSON,
Assistant State's Attorneys,
appeared on behalf of the People;
MR. DENNIS H. SHERMAN,
appeared on behalf of the Defendant.

25 PAMELA M. TERRY, CSR #084-001170
26 Official Court Reporter
27 2650 S. California Ave.-4C02
28 Chicago, Illinois 60608

(EXHIBIT M) 17-16

I N D E X

Date of Hearing: 12-18-12

Pages: I-1 thru I-11

PROCEEDINGS

WITNESSES

DX

CX

RDX

RCX

OFFICER ELLIOT FLAGG

4

7

8

9

1 THE CLERK: People of the State of Illinois
2 versus Samuel White.

3 MR. SHERMAN: Dennis Sherman. I represent
4 Mr. Samuel White.

5 THE COURT: Both sides ready? This was a
6 commenced and continued bench trial.

7 MR. SHERMAN: The answer is maybe.

8 MS. BROWN: Yes, Judge. I believe we are
9 ready.

10 THE COURT: All right. Pass it.

11 MR. SHERMAN: Okay.

12 (Whereupon, the case was passed.)

13 * * * * *

14 THE CLERK: People of the State of Illinois
15 versus Samuel White.

16 MR. SHERMAN: For the record, Dennis Sherman
17 representing Samuel White on a trial commenced and
18 continued from November 19th.

19 THE COURT: All right. Both sides ready.
20 Counsel is not feeling well today. Well enough to
21 do this last witness?

22 MR. SHERMAN: Certainly.

23 THE COURT: All right. We can do another date
24 for argument.

1 MR. SHERMAN: Maybe Thursday of this week.

2 THE COURT: I won't be here. Take a seat.

3 This is the State's rebuttal case.

4 Defense has previously rested. State, call your
5 first witness.

6

7

(Witness duly sworn.)

8

ELLIOT FLAGG,

9 a witness called on behalf of the People in
10 rebuttal, having been first duly sworn, was
11 examined and testified as follows:

12

DIRECT EXAMINATION

13

BY MR. ANDERSON:

14

15 Q Sir, in a loud, clear voice, state your
16 first and last name, and spell your last name for
the court reporter.

17

A Elliot Flagg, E-l-l-i-o-t, F-l-a-g-g.

18

19 Q Sir, you are employed by the Chicago
Police Department; is that correct?

20

A Yes, sir.

21

22 Q How many years have you been a Chicago
23 police officer, and if you could tell the Court
your star number as well?

24

A In January it will be eight years.

1 star number is 12037.

2 Q Sir, on March 21st, 2012 at approximately
3 2230 hours, you were so employed and on duty; is
4 that correct?

5 A Yes.

6 Q Were you called to the 6500 block of
7 South California in the city of Chicago for a call
8 of shots fired?

9 A Yes.

10 Q Okay. Did you respond to that 6500 block?

11 A Yes.

12 Q And where generally did you go in that
13 6500 block?

14 A We went in the east alley.

15 Q And when you went to the east alley of
16 6500 South California, did you see anyone there in
17 the east alley?

18 A No.

19 Q Where did you go from there?

20 A Once we saw there was no one in the alley,
21 we went on the front to check and see if anybody
22 was out in front.

23 Q Did you go to the courtyard apartment --
24 the courtyard apartments at 6527 South California?

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A

Yes.

Q Just briefly tell the Court who you observed in that courtyard.

A Officer Eddie May, Officer McDevitt and their partner, and two male blacks.

Q Okay. One of the male blacks, if you see one of the other male blacks here in court, point to him and describe an article of his clothing.

A Mr. White in the tan jumpsuit.

Q At any time -- and were you there -- upon going there, when you left, did you leave with the other officers, as well as the Defendant left as well?

A Yes.

Q And at any time when you were there, including the time when the Defendant was brought away, did you happen to ever see any women that were at or near the courtyard?

A No.

Q Okay. At any time during the radio transmissions, did you ever hear any other transmission of a description of someone in a white T-shirt or dreadlocks or where they would be standing or positioned?

Why you didn't see no one go into
the hallway

1 A No.

2 Q Just briefly tell the Court what the radio
3 transmission contained.

4 A It was multiple calls of shots fired,
5 different locations.

6 Q At any time did you observe any police
7 officers actually go into the buildings in that
8 courtyard?

9 A No.

10 MR. ANDERSON: May the record reflect an
11 in-court identification of the Defendant.

12 THE COURT: In-court identification of the
13 Defendant.

14 MR. ANDERSON: Tender the witness.

15 THE COURT: Cross-examination.

16 CROSS EXAMINATION

17 BY MR. SHERMAN:

18 Q Officer, the call was for shots fired in
19 the east alley at 6500 South California, correct?

20 A There were multiple calls, sir.

21 Q Okay. Were they all directed to the
22 alley?

23 (A) Some were on California, I think.

24 Q Now, you said when you arrived at the

1 front of the 6527 you saw this Defendant and
2 another male black and three officers; is that
3 correct?

4 (A) Yes, sir.

5 Q And where were the three officers when you
6 came up?

7 (A) They were all standing by the Defendant.

8 Q And where was the Defendant?

9 (A) In the courtyard.

10 Q Did you ever see the Defendant go inside
11 the building?

12 (A) No, sir.

13 Q Did you ever see police officers recover
14 anything inside the building?

15 (A) No, sir.

16 Q Did you see a handgun that evening?

17 (A) No, sir.

18 Q You didn't?

19 (A) No, sir.

20 MR. SHERMAN: No further questions.

21 REDIRECT EXAMINATION

22 BY MR. ANDERSON:

23 Q When you got back into the front courtyard
24 of the building, was the Defendant already

*So this officer says dispute
the Dev's claims that he found
a gun when he didn't.*

1 handcuffed at that juncture?

2 A Yes, sir.

3 MR. ANDERSON: No further questions.

4 THE COURT: Anything further, Counsel?

5 RECROSS EXAMINATION

6 BY MR. SHERMAN:

7 Q You didn't go around and look for any
8 witnesses who were at the scene, did you?

9 MR. ANDERSON: Objection, your Honor.

10 THE COURT: Overruled.

11 THE WITNESS: A Can you repeat the question?

12 BY MR. SHERMAN:

13 Q Did you talk to any witnesses that were at
14 the scene?

15 A No, sir.

16 MR. SHERMAN: No further questions.

17 MR. ANDERSON: No further questions, your
18 Honor.

19 THE COURT: You may step down.

20 Any other witnesses, State?

21 MR. PATTAROZZI: Judge, we don't believe so,
22 but before we officially rest, if we could just
23 continue it for the arguments.

24 THE COURT: All right.

1 MR. PATTAROZZI: Whatever date is good for
2 Counsel.

3 MR. SHERMAN: As soon as possible.

4 THE COURT: How is January 4th or January 11th?

5 MR. PATTAROZZI: We could do the 4th, Judge.

6 MR. SHERMAN: Yes, the 4th.

7 THE COURT: All right. By agreement,
8 January 4th for commenced and continued bench
9 trial.

10 (Whereupon, the above-entitled
11 cause was continued to 1-4-13.)
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1 STATE OF ILLINOIS)
2)
3 COUNTY OF C O O K)
4

5 I, PAMELA M. TERRY, an Official Court
6 Reporter for the Circuit Court of Cook County,
7 County Department-Criminal Division, do hereby
8 certify that I reported in shorthand the
9 proceedings had at the above-entitled cause; that I
10 thereafter caused the foregoing to be transcribed
11 into typewriting, which I hereby certify to be a
12 true and accurate transcript of the proceedings had
13 before the Honorable THADDEUS L. WILSON, Judge of
14 said court.
15

16 *Pamela M. Terry*
17 Official Court Reporter
18 #084-001170
19

20 Dated this 29th
21 of July, 2013.
22
23
24